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*DeLongre sc.*

*John Philpot Curran Esq.*



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SELECT  
SPEECHES,

FORENSICK AND PARLIAMENTARY,

WITH PREFATORY REMARKS.

BY  
N. CHAPMAN, M. D.

HONORARY MEMBER OF THE ROYAL MEDICAL SOCIETY OF  
EDINBURGH, AND MEMBER OF THE AMERICAN  
PHILOSOPHICAL SOCIETY, &c. &c.

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VOL. IV.

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—Pietate gravem ac meritis si forte virum quem  
Conspexere, silent, arrectisque auribus astant;  
Ille regit dictis animos et pectora mulcet.....VIRG.

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1807.

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**DISTRICT OF PENNSYLVANIA, TO WIT:**

(L. S.) BE IT REMEMBERED, That on the first day of August, in the thirty-second year of the independence of the United States of America, A. D. 1807, Nathaniel Chapman, M. D. of the said district, hath deposited in this office, the title of a book, the right whereof he claims as proprietor in the words following, to wit :

“ SELECT SPEECHES, Forensick and Parliamentary, with prefatory remarks. By N. Chapman, M. D. honorary member of the Royal Medical Society of Edinburgh, and member of the American Philosophical Society, &c. &c.

—Pietate gravem ac meritis si forte virum quem  
Conspexere, silent, arrectisque auribus astant;  
Ille regit dictis animos et pectora mulcet.....VIRG.”

In conformity to the act of the Congress of the United States, entitled, “ An act for the encouragement of Learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned.” And also to the act, entitled “ An act supplementary to the act, entitled, ‘ An act for the encouragement of learning, by securing the copies of maps charts, and books, to the authors and proprietors of such copies during the times therein mentioned,’ and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

D. CALDWELL,  
Clerk of the District of Pennsylvania.

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# SELECT SPEECHES.

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## LORD MORNINGTON'S SPEECH

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IN THE HOUSE OF COMMONS, ON A MOTION FOR AN ADDRESS  
TO HIS MAJESTY AT THE COMMENCEMENT OF THE SESSION  
OF PARLIAMENT, DELIVERED JANUARY 21, 1794.

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THE ensuing speech is from one of those sagacious statesmen,\* who, with Edmund Burke and William Pitt, early discerned and valiantly struggled against the march of the "*anarch fiend*," that has since spread terrour and desolation over the fairest portions of the world, and which was prevented from raising its head of "horrid portent" in England only, by the most steady, determined, and persevering resistance.

On the address, in answer to the king's speech at the opening of the session, an animated and well contested debate arose. The opposition, conformably to the policy which distinguished the whole of their parliamentary conduct with regard to French affairs, vehemently attacked that part of the address which pledged the house to a vigorous prosecution of the war till the objects of it were attained.

\* Lord Mornington, now Marquis of Wellesley, late governor general of Bengal.

As an amendment to the address, Mr. Fox moved, "*To recommend to his majesty to treat, as speedily as possible, for a peace with France upon safe and advantageous terms, without any reference to the nature or form of the government that might exist in that country.*"

Lord Mornington in the present speech, displays a very minute knowledge of the subject, and sometimes eloquence of the highest order.

He draws an exact and full length picture of the genius and tendency of the French revolution, and shows from the characters, the dispositions, and the interests of those who then exercised the powers of government, and from the nature of the system they had established, that peace on secure and honourable terms was impracticable. The minister, Mr. Pitt, pursued the same course, but unfortunately, fragments only of his speech are preserved. "We are called on, he said, to witness in the present age the political and moral phenomenon of a mighty and civilized people formed into an artificial horde of banditti; throwing off all the restraints which have influenced them in social life, displaying a savage valour directed by a sanguinary spirit, organizing rapine and destruction into a system, and perverting to their detestable purposes, all the talents and ingenuity which they derived from their advanced stage of civilization, all the refinements of art, and the discoveries of science. We behold them uniting the utmost savageness and ferocity of design, with consummate contrivance and skill in execution, and seemingly engaged in no less than a conspiracy to exterminate from the face of the earth all honour, humanity, justice, and religion. In this state can there be any question but to resist where resistance alone can be effectual, till such time, as by the blessings of Providence on our endeavours, we shall have secured the independence of this country, and the general interests of Europe!"

The amendment was negatived by an immense majority.



## SPEECH, &amp;c.

MR. SPEAKER,

IF the present conjuncture of our affairs afforded us a free option between war and peace ; if the necessity which originally compelled us to engage in the present contest had ceased, and the question for our deliberation on this day were merely, whether we should return to the secure and uninterrupted enjoyment of a flourishing commerce, of an overflowing revenue, of tranquil liberty at home, and of respect and honour abroad ; or whether, on the other hand, we should wantonly commit to the doubtful chance of arms all those accumulated blessings ; no man could hesitate one moment in deciding on such an alternative. To us more especially no other guide would be necessary than our own recent experience. Within our own memory, the country has passed with such rapid steps from the lowest state of adversity to the utmost degree of opulence, splendour, and power, that all our minds must be furnished with whatever useful lessons are to be drawn from either fortune. We all know, and have felt what may be lost by the calamities of war, and what may be gained by a wise improvement of the advantages of peace. But whether I revert to the grounds and origin of this war, whether I look forward to the probable issue of the contest, or fix my attention on the inevitable effects of any attempt to abandon it in the present crisis, my judgment is driven to the painful but irresistible conclusion, that no such alternative is now before us. Our choice must now be made between the vigorous prosecution of our present exertions, and an ambiguous state neither of open hostility, nor of real repose ; a state in which we should suffer most of the inconveniences of war, in which we should enjoy none of the solid advantages of peace, in which, even if we could purchase at the expense of our honour and of our faith, a short respite from the direct attacks of the enemy, we could never for



a moment feel the genuine sense of permanent security ; unless we could contemplate without emotion the rapid progress of the arms and principles of France in the territories of our allies ; unless we could behold without anxiety the rapid approaches of the same danger threatening the British dominions ; unless we could sit at ease with the axe suspended over our heads, and wait with tranquillity of mind the moment, when these formidable enemies, after the extinction of every element of order and regular government in their own country, after the subjugation of every foreign power whose alliance might assist us in our last struggles, strengthened by additional resources, animated by the prospect of new plunder, and flushed with the triumphant success of their prosperous crimes, should turn their whole force against the British monarchy, and complete their victory over the interests of civil society, by the final destruction of that fair fabrick of government, under which these happy kingdoms have so long enjoyed the inseparable advantages of substantial liberty, settled order, and established law.

No part of the speech from the throne more fully meets my sentiments on this important question, than that in which his majesty recommends it to us to bear in mind the true grounds and origin of the present war. We cannot have forgotten, that before the French had declared war against us, we had seen in their conduct views of aggrandizement, projects of ambition, and principles of fixed hostility against all established government : and we had been convinced, that unless the foundation of our complaints should be removed, by a total alteration in their system with respect to foreign nations, war on our part would become at length inevitable. We cannot have forgotten, that instead of endeavouring to remove our just apprehensions, their explanations afforded fresh motives of jealousy, and their conduct aggravated every cause of offence ; until at length, they interrupted all negotiation by a sudden declaration of war, attended by circumstances of unexampled

perfidy and violence. At that time we declared, at the foot of the throne, "that we considered whatever his majesty's subjects held most dear and sacred, the stability of our happy constitution, the security and honour of his majesty's crown, and the preservation of our laws, our liberty, and our religion, to be all involved in the issue of the present contest, and we pledged ourselves, that our zeal and exertions should be proportioned to the importance of the conjuncture, and to the magnitude and value of the objects for which we had to contend." Impressions conceived after such deliberate examination, assurances so solemnly pledged in the face of the nation, and of all Europe, will not be abandoned by the wisdom and firmness of this house upon such suggestions as have hitherto been offered in this debate. Before we can be justified in relinquishing the principles by which our proceedings have hitherto been governed, we shall require satisfactory proof, either that the impressions which we had originally conceived of the views of France were erroneous; or, that by the course of subsequent events, the success of the war is become desperate and impracticable; or, that from some improvement in the system and principles which prevail in France, and in the views and characters of those who now exercise the powers of government there, the motives of justice and necessity which compelled us to enter into the war, no longer continue to operate.

On each of these propositions separately, and on the combined result of the whole, I shall endeavour to bring this question to a fair issue.

Although the question of the original justice and necessity of the war was so fully examined in the last session of parliament, yet to relinquish the blessings of peace is a measure of such serious and grave importance, that I am confident we shall not be unwilling, during any period of the contest, carefully and anxiously to revise the grounds on which it was adopted. In the present moment, however superfluous it may appear to search for any additional justification



## LORD MORNINGTON'S SPEECH

of our conduct, or to endeavour to throw any new light on a question already so well understood, yet it cannot but prove satisfactory to us, that a variety of occurrences since the commencement of the war, and many new and striking proofs have concurred to confirm the wisdom and justice of our decision, not merely on general grounds, but precisely on the very grounds on which it was originally founded. If I could bring to your bar the most malignant, the most active, and the most able enemy of the British name in the national convention, the author of the most scandalous official libels against the views, interests, and power of Great Britain, the author of the most inflammatory speeches tending to provoke the war in which we are engaged, the author of the declaration of war itself, and the inventor of all the pretences by which it has since been palliated both in France and in England; if I could bring him to a cross examination in your presence, confront him with his own reports, speeches, and manifestoes, as well as with those of his colleagues in office, and comparing the result of the whole, with concurrent and subsequent events, convict him and his associates of falsehoods, treachery, and prevarication in all their pretended explanations, of their own designs, as well as in all their affected complaints, of the supposed views of his majesty's councils, I am persuaded that you would not reject an investigation, the issue of which must tend to confirm the confidence of the nation in the original justice of our cause: such is the nature of the proof which I am about to offer to you.

Brissot, the leader of the diplomattick committee, Brissot, the main spring of the French government, at the breaking out of the war falling into disgrace and danger, addressed to his constituents a defence of all his measures, in which he reveals the whole secret and mystery of the French revolution, and makes an open confession of the principles by which France was directed in her intercourse with the other powers, of the means which she employed, and of the ends which she pursued. From the unquestionable testi-



mony of this production, from the evidence of the principal actor in these transactions, I propose to examine the truth of our complaints, the justice of the conduct of France, and the validity of the arguments which have been used on either side.

The views which we attributed to France previous to the war, were views of aggrandizement and ambition, connected with the propagation of principles, incompatible with the existence of any regular government.

The particular acts by which those views had been manifested, were, 1st, the decree of the 19th of November, in which France made (according to her own language) a grant of universal fraternity and assistance, and ordered her generals every where to aid and abet those citizens who had suffered, or might suffer hereafter in the cause of (what she called) liberty. Her sense of liberty, as applied to England, was shown by the reception of seditious and treasonable addresses, and by the speeches of the president of the national convention, expressing his wish for the auspicious institution of a British convention, founded, as such an institution must have been, upon the destruction of every branch of our happy constitution.

2d. The conduct of France, in incorporating the territories of other powers with her own, under colour of voluntary acts of union, pretended to have been freely voted by the people; particularly in the cases of Savoy, and of the Netherlands, of both which countries France had assumed the sovereignty.

3d. The opening of the Scheldt, in direct violation of the most solemn treaties guarantied by France herself. And lastly, her general designs of hostility against Holland.

When the decree of the 19th of November was complained of here, the executive council replied, that, "It would be injurious to the national convention, to charge them with the project of protecting insurrections."

Brissot, in his confessions, is pleased to admit, that, "the decree of the 19th of November was absurd and impolitick, and justly excited uneasiness in foreign cabinets." You shall now hear the wise, politick, and conciliatory exposition of the principles of France, which he opposes to that decree. "What was the opinion of enlightened men, of men who were republicans before the 10th of August, who desired liberty, not only for their own country, but for all Europe? They thought that liberty might be established every where, by exciting those for whom government is administered against those who administer it, and by proving to the people the facility and advantages of such insurrections." This theory of universal liberty founded upon universal insurrection, this system of exciting the people against all regular government of whatever form, against all authority of whatever description, this plan for the instruction of the mob in the advantages of disorder, and in the facility of outrage and plunder, is deliberately applauded by Brissot, as the established doctrine of the most moderate men in France, to which no one could object on account of its absurdity or impolicy, or of its tendency to excite uneasiness in foreign cabinets.

You may perceive that the authors of the decree of the 19th of November, and the *enlightened republicans* of whom Brissot speaks, were equally animated by the great principle of *desiring liberty* (as they are pleased to style it) *for all Europe*; their only difference consisted in the mode of carrying their common views into speedy and effectual execution. This will appear more clearly in the passages which I shall now read to the house: "but how can the people be led to that point? By zealous efforts to spread the spirit of liberty among them. This system was pursued at first. Excellent pamphlets from the pen of Condorcet had prepared all people for liberty. The understandings of the Belgians ought to have been enlightened by good writings, we ought to have sent missionaries among them." The house will find no difficulty in understanding what is meant by good



writings (I say nothing of *missionaries*) when the letters of Condorcet are quoted as models of perfection. We are not unacquainted with the style of those “excellent pamphlets from the pen of Condorcet, by which all people were to be prepared for liberty.” We cannot be so ungrateful as to have forgotten the delicacy with which he suggested to the people of England, “that the French revolution was an object both of their fears and desires, that a parliamentary reform would be proposed in this house, and that from thence the passage to the complete establishment of a republick would be short and easy.” Such are the means so reconcileable with the faith of nations, so compatible with the amicable intercourse to be maintained with foreign powers, which Brissot, the reporter of the diplomattick committee, proposed to employ for the introduction of the principles of universal confusion into the bosom of every independent state. The disappointment of these benevolent views, and the failure of this great design, are lamented by him in terms so forcible, and so pathetick, as to display at once the stupendous magnitude of this scheme of destruction, and the frantick zeal with which it was pursued. “Oh! how grievous it is, for a man who has seen the revolution advanced to a degree to which, four years ago, it would, perhaps, have been madness to have thought of carrying it; how grievous it is, to see that revolution falling back, while every thing was contending in its favour! Shall then all the benefit of our experience be lost to the general cause of liberty, to other nations, and to future revolutions? Tears of blood should flow from the eyes of all republicans. Liberty, which might so easily have been extended, until it should have known no other bounds than those of the world, must now submit to a doleful confinement within the limits of France.”

Some doubt might, perhaps, have been thrown upon the authority of the evidence which I have produced to the house, if it had appeared to attribute to the government of France principles incompatible with their general system, and not conformable to the



conduct of their agents and ministers in the different foreign countries : but when we find, that the public acts and language of all the agents of France correspond with the designs here ascribed to their employers, this circumstance at once corroborates the testimony to which I have alluded, and exhibits in itself a striking instance of the uniformity and consistency of the system in all its parts.

In America (a government which I am persuaded the noble earl\* who has spoken in this debate will concur with me in thinking does not require to be improved by any infusion of French principles) citizen Genet was appointed resident by Brissot and Le Brun : he there commenced his operations by the institution of a Jacobin club ; he publicly insulted the magistrates ; disputed the acts of government ; opened what he was pleased to call a consular tribunal, under the authority of the French republick, for the condemnation of prizes within the territory of America ; enforced the execution of its sentences by acts of open violence ; and at length, the powers and privileges of the consul acting under his orders having been annulled by the president of the United States, and his proceedings having been checked, as being contrary to the law of nations, and to the rules by which the relations of independent states are governed, citizen Genet presents a remonstrance to the secretary of state, in which he gravely says, “ that he does not recollect what the worm-eaten writings of Grotius, Puffendorff, and Vattel say on these subjects ; he thanks God he has forgotten what those hireling civilians have written on the rights of nations, in times of universal slavery : but he knows that his conduct has been agreeable to the spirit of the French constitution, of the American constitution, and of the rights of man, which are forever engraven on his heart, and from which he learns, that an appeal must lie from the president, who is a mere ministerial officer, to the sovereign people of America.”

\* Lord Wycombe.

Thus this disciple of Brissot takes upon himself to supersede every maxim of the law of nations by doctrines drawn from the constitution of France; and not content with that outrage, he arrogates to himself the right of interpreting the constitution of America by reference to the same polluted source, and affects to depose the president of the United States from his constitutional authority, under colour of the sacred rights of man, and of the undefeasible sovereignty of the people.

Citizen Descorches employed by the same party at Constantinople, proceeded in the same spirit; he established jacobin clubs, and held primary assemblies for the propagation of the true faith of liberty among the janizaries at the Porte. Thus from Mr. Jefferson to the Reis Effendi; from the president of the United States of America to the grand seignior; from the congress to the divan; from the popular form of a republick to the most unmixed military despotism, every mode and gradation of lawful authority, or of established power was the object of deliberate, systematick and uniform attack. There is another feature of this project which I cannot omit, because it so nearly concerns the security of some of the most valuable possessions of the British empire. We are told by Robespierre, that a part of the general scheme of Brissot and his associates was to free and arm all the negroes in the French colonies in the West Indies. Brissot, instead of attempting to refute this charge, takes merit to himself for the ingenuity and simplicity of the invention. He says, that "by the simple operation of purifying the colonial system of the French islands, he would have accomplished the destruction of all the British colonies in the West Indies." He adds, "That this is a secret of which few have any idea." Those who have given their attention more particularly to the case of the African negroes, will be the first to feel the complicated horror of this detestable project of massacre and desolation. An abrupt emancipation of the slaves in the West Indies, accompanied with the circumstances of putting arms



into their hands, would instantly occasion a scene of bloodshed and misery, which our imaginations could scarcely conceive, if it had not already been realized in the island of St. Domingo under the auspices of the commissioners appointed by Brissot and his party. There cannot be a more striking instance of the general tendency of the views of those who governed France at the time of the declaration of war. It contains an epitome of that extensive conspiracy against the order of society and the peace of mankind, which we have already considered in detail.

With this compendious example of the ruinous projects of those who provoked the present war, I shall conclude this part of the argument, conceiving that I have shown to the house, that the mischievous spirit of the decree of the 19th of November, denied by the executive council, has been avowed, acknowledged, and defended by Brissot, the champion of all their principles, and the author of all their plans; that his exposition of this destructive spirit has been confirmed by a variety of concurrent circumstances; and that the arguments, by which the difference of opinion between the contending parties in France with respect to the decree of the 19th of November has been maintained, serve only to prove more strongly their unanimous agreement in the main principle of destruction on which that decree was founded.

The principle of the incorporations, or reunions of the different territories annexed to the dominions of France, (which is the next great feature of the system by which we were menaced,) as well as the means employed to obtain those reunions, are fully explained by Brissot. In examining this part of the subject, I beg to call the attention of the house particularly to the gross prevarications and contradictions of the author of the declaration of war, as well as to the shallow artifices employed by the executive council, in the hope of concealing the ambitious views of France from the eyes of Europe.

First, with respect to Savoy and Nice. Brissot, in a report made to the national convention, on the 12th



of January 1793, in the name of the committee of general safety, a report intended to prepare them for the approaching war, and professing to contain a full and candid discussion of all the complaints of Great Britain, uses these words, "The unanimous wish of all the communities of Savoy legitimates the union with that country." Thus writes Brissot before the commencement of the war. Observe how frankly and honestly he has since confessed the truth. "Cambon wanted to unite every thing, that he might sell every thing; thus he FORCED the union of Savoy and of Nice."

With regard to the Netherlands, Brissot tells us in his confessions, that Cambon, the French minister of finance forced that measure also with two views; the compulsory introduction of assignats into that opulent country, and the universal plunder of property. He introduces Cambon and his party reasoning with the convention upon the manner of negotiating a union with the free and sovereign people of Belgium, in the following words: "The mortgage of our assignats draws near its end. What must be done? Sell the church property of Brabant. There is a mortgage of two thousand millions (eighty millions sterling.) How shall we get possession of them? By an immediate union! Men's minds are not disposed to it. What does that signify? Let us make them vote by means of money. Without delay, therefore, they secretly order the minister of foreign affairs to dispose of four or five hundred thousand livres, (20,000l. sterling) to make the mob of Brussels drunk, and to buy proselytes to the principle of union in all states.

"But even these means, it was said, will obtain but a weak minority in our favour. What does that signify? Revolutions, said they, are made only by minorities? It is the minority which has made the revolution of France."

Thus you see, that the union of these vast territories, with all their immense population, wealth, and commerce, was considered by the French minister of

finance, as nothing more than a mere financial operation, for the purpose of supporting the sinking credit of his assignats. The sacred regard paid to the general will of the people in the doctrines respecting minorities, cannot have escaped the observation of the house. Something has been said already of the means employed to obtain the free consent of the people to these unions. On this subject we have full information from Brissot. "Do you believe the Belgians were ever imposed upon by those votes and resolutions made by what is called acclamation for their union, for which corruption paid in part, and fear forced the remainder? Who at this time of day is unacquainted with the springs and wires of their miserable puppet-show? Who does not know the farces of primary assemblies, composed of a president, of a secretary, and of some assistants, whose day's work was paid for? How could they believe themselves free and sovereign when we made them take such an oath as we thought fit, as a test to give them the right of voting?"

"What could the disarmed Belgians object to all this, surrounded as they were by seventy thousand men? They had only to hold their tongues, and to bow down their heads before their masters! They did hold their tongues, and their silence is received as a sincere and free assent."

Brissot states, with equal force of language, the ruinous effects of all these measures. He says, "despotism and anarchy are the benefits which we have transplanted into this soil. We suppressed at once all their ancient usages, all their prejudices, all the ranks and orders of their society; we proscribed their priests; we treated their religious worship with open marks of contempt; we seized their revenues, their domains, and their riches for the profit of the nation; we carried to the very altar those hands, which they regarded as profane."

"Doubtless, these operations were founded on\* true principles, but those principles ought to have

\* Sur les Principes.



had the consent of the Belgians, before they were carried into practice."

Have then the "true principles" of France been misrepresented, or exaggerated in this house? Is it possible for the most honest and enthusiastick indignation, which the scenes exhibited in France have raised in any British heart, to vent itself in terms of more severity, than those which Brissot has used in expounding, what he justly calls the true principles of the French Republick? Now let us again confront Brissot's confessions with his report in the name of the committee of general defence, on the 12th of January, 1793. "Shall I recall the accusation of having invaded the Netherlands, of having dictated laws, and made a constitution for that country? We make a constitution there! Read the instructions given to our generals, to assemble the people, to consult their wish, to enable them to express it freely, to respect it when expressed: such was our tyranny! The Belgians themselves form, and alone will form their constitution; but in order to lead them to that point, it is necessary to tie up the hands of the malevolent, of Austrian emissaries, who would excite sedition, and this is the cause of some necessary acts of authority; this is the foundation of the revolutionary power, which is nothing more than the guardian of liberty in her infancy, and which ceases to exist as soon as she has attained the age of maturity. We pillage Belgium! when we only desire to be voluntarily reimbursed for the expenses of a war, where the blood of our brothers is counted for nothing." So far Brissot, and the committee of general safety. I now entreat the house to hear the language of the executive council. "France calls back to freedom a people, which the court of Vienna had devoted to slavery. Her occupation of the Low Countries shall only continue during the war, and the time necessary to the Belgians to ensure and consolidate their liberty, after which, let them be independent and happy. France will find her recompense in their felicity. When that nation shall be found in the full enjoyment of liberty, when



its general will can lawfully declare itself without shackles; then if England and Holland still attach some importance to the opening of the Scheldt, they may put the affair into a direct negotiation with Belgia. If the Belgians, by any motive whatever, consent to deprive themselves of the navigation of the Scheldt, France will not oppose it, she will know how to respect their independence, even in their errors. After so frank a declaration, which manifests such a sincere desire of peace, his Britannick majesty's ministers ought not to have any doubts with regard to the intention of France."

It is difficult to determine whether the prevarications of Brissot the reporter from the committee of the general safety, or the subterfuges of the executive council are most worthy of animadversion. Both are so gross and flagrant, that I cannot aggravate by any comments the impression which they have already made, but when we recollect that the audacious violation of the law of nations, and of the acknowledged rights of our allies by the opening of the Scheldt, was justified upon no other ground than the maintenance of the *natural rights* of the *free* people of Belgium; when we recollect, that the final adjustment of that important question was postponed by France, until the time when the *liberty* of the Belgians should be *secured and consolidated*, and when the *general will of the people, could lawfully declare itself without shackles*, the tyranny exercised by France over the Netherlands, and the violence and corruption employed to procure the union, cannot fail to excite the general indignation of this house. Most of us indeed were not deceived by the *frank* declaration of the executive council of France: but those few amongst us who seemed to be deceived by it at that time, and who under that deception maintained the justice of the pretences of France, must find additional motives of resentment and indignation in the recollection of the imposture, which was so successfully practised at least upon them. If they had been possessed of the information which I have detailed

to the house, I am persuaded that they would never have proposed to us to carry to the foot of the throne an address, containing the paragraph, which I shall now read to you, relative to the navigation of the Scheldt.

“ We must further remark, that the point in dispute seems to us to have been relieved from a most material difficulty, by a declaration of the minister of foreign affairs in France, that the French nation gave up all pretensions to determine the question of the future navigation of the Scheldt.”

The insult and mockery of that declaration is now so evident, that I cannot suppose it possible that any person should retain the opinion, that the executive council ever had a sincere intention of relinquishing at any time the pretensions of France to determine the question of the navigation of the Scheldt, or any other question which might affect her operations in the Netherlands. The object of a declaration so inconsistent with the whole system pursued by France in the Netherlands could only be to delude this country with false pretences of moderation, until it might be convenient to discover in the face of day, and to enforce by the sword against every nation of Europe the inordinate scheme of ambition, of which the reunion of Belgium and the opening of the Scheldt formed but an inconsiderable part.

The designs of France against Holland might be inferred from her general views of aggrandizement, and particularly from the established maxim of her policy, *that France ought to know no other barrier to the eastward than the Rhine*; a maxim, avowed by Brissot, by Dumourier, and at different periods by almost every person who has acted a leading part in the government of France since the massacre of the 10th of August. But the correspondence between Dumourier and Pache the minister of war, which has been published, and of the authenticity of which no doubt can be entertained, has placed the hostile views of France against Holland in so strong and so clear a light, that it would be injustice to the argument to rest



it entirely upon the general grounds already stated. It has been contended, that the rejection by the executive council of Dumourier's proposal to invade Holland in the month of November 1792, was a strong proof of the pacifick disposition, and of the good faith which prevailed in the councils of France at that time : but it appears that on the 30th of November, Dumourier, in a letter addressed to the minister of war, communicated in detail a plan for the immediate invasion of Holland, and stated the previous conquest of Holland to be essential to the great object of driving the Austrian and Prussian armies beyond the Rhine. One of the principal arguments which he alleges in favour of this operation is founded in the hostile views which he attributes to Holland, and in his apprehension that if he should move towards the Rhine before he had effected a revolution in Holland, his rear might be exposed to a sudden attack from the Dutch. It appears that the minister of war *expressly warrants the neutrality of the Dutch in the beginning of December* to Dumourier. But notwithstanding that assurance the question between the immediate invasion of Holland, and a movement towards the Rhine is argued throughout the whole of the official correspondence *merely upon grounds of expediency* ; the doubt being only, whether the operations of Dumourier's army in the month of December should commence, or terminate with the invasion of Holland. This will appear more clearly from a passage in the last orders from the minister of war to Dumourier on this subject, dated December the 6th, 1792. " Thus, if the army of Belgium should attack Holland, and not pass the Rhine, the Austrians will be able to attack Bournonville, and to force him to abandon the banks of the Moselle ; Custine might be endangered. These motives have determined the executive council, and they have resolved (as a measure of urgency,\* and which ought to take the lead of the invasion of Holland† which you propose) that you shall dispose

\* Une mesure d'urgence.

† Qui devoit devancer l'invasion de la Hollande.



the three armies under your orders, in the manner in which you judge the most proper for driving the Austrians from the countries comprehended between the Meuse, the Moselle, and the Rhine.”

This letter leaves no doubt on my mind, that if the French could have succeeded in driving the Austrians and Prussians beyond the Rhine early in December, 1792, they would without scruple have fallen upon Holland, although by the confession of the minister of war, in the month of December, the Dutch had given them no ground of offence.

Such are the various proofs and occurrences which tend to confirm those impressions of the designs of France, in consequence of which we thought it our duty to enable his majesty to augment his forces previous to the declaration of war.

The aggression of France, which was the immediate cause of the war, forms another material branch of the argument. It was attempted to be justified under the pretence of certain alleged acts of hostility, particularly the stopping the export of corn to France in the month of November, 1792. That measure was defended by my right hon. friends near me on the ground of their knowledge, that warlike preparations were then actually making in France. Upon this subject, Brissot's testimony is not only ample and unequivocal, but it proves that preparations had been commenced at an earlier period, and were proposed to be carried to a much greater extent than could have been supposed by any person in this country, in the month of November. He tells us, “that as early as the month of October, the possibility of war with the maritime powers was foreseen, and the diplomatick committee, and the committee of general defence had warned Mongé the minister of marine of this circumstance. Considerable sums of money were put into his hands. He had promised\* to collect stores and provisions from all quarters, to repair all the ships and frigates; he had promised a fleet of 30 sail of the line

\* S'approvisionner de tous les cotés.

for the month of April, and 50 sail of the line by the month of July; he had promised to cover the sea with frigates for the protection of commerce, to send succours to St. Domingo and Martinique, an express law passed in October enjoined this." While France was thus preparing an armament against the maritime powers, what should we have thought of the conduct of our ministers, if they had suffered the export of corn to that country, and thereby had contributed to accelerate the equipment of those formidable fleets which the minister of marine had engaged to provide? It ought not to be forgotten, that the same government of France which had ordered preparations for equipping a fleet in the French ports as early as the month of October, thought it decent in the month of January, to make the armaments preparing by his majesty a principal ground of complaint, and to insist as the ultimatum of France, that England should disarm. A more insulting proposal under all the circumstances of the case as I have now stated them was never made by one independent nation to another.

But while we are inquiring in this house into the immediate cause of the war, we may derive some useful information on that head from the contentions and divisions which have disturbed the councils of our enemies. In the act of accusation against Brissot and his party, one principal charge is, "the proposal from the diplomattick committee by the organ of Brissot to declare war abruptly against England, war against Holland, war against all the powers which had not yet declared themselves."

During the trial of Brissot, Chaumette says, in the jacobin club, "every patriot has a right to accuse in this place the man who voted the war; and the blood which has been shed in the republick and without the republick in consequence of it shall be their proofs and their reasons."

Robespierre in his report on the 17th of November 1793 says, "with what base hypocrisy the traitors insisted on certain pretended insults said to have been offered to our ambassadour!"



Brissot on the other hand replies, "who has been the author of this war? The anarchists only, and yet they make it a crime in us."

Thus, amidst the animosities and dissensions which preceded the last revolution at Paris, the heinous crime of having provoked the war with England is mutually imputed by one party to the other. Robespierre imputes it to Brissot; Brissot retorts it upon Robespierre; the jacobins charge it upon the Girondists; the Girondists recriminate upon the jacobins; the mountain thunders it upon the valley, and the valley re-echoes it back against the mountain. For my part, I condemn them both. The share of this guilt, which belongs to Brissot and his associates is already known to you. They who murdered Brissot and his associates upon the scaffold, were not only the most active promoters of the decree of the 19th of November, and of the several unions, but the principal agents in all the odious vexations exercised over the people of the Netherlands, and not one voice among them was raised against the measures which immediately led to the war. Therefore I repeat it, whatever be the crime of having drawn down upon their own country the indignation of Great Britain, and of her numerous allies, and of having fomented a general war in Europe, I charge that crime equally upon both these sanguinary factions. But who is the British subject that shall acquit both these sanguinary factions of the crime which they mutually impute to each other; and by charging it upon the councils of his own sovereign shall impair the confidence of a united people in the justice of their cause, and weaken the energy of their exertions in the prosecution of this arduous contest?

Unless I am wholly deceived in the authenticity and application of the proofs which I have adduced, I cannot suppose that any such person will appear in the course of this debate; and I must conclude, that these proofs, added to the arguments employed last year, have confirmed the original justice and necessity of the war upon the most solid and secure foundation.



If then the original justice of our cause, instead of appearing to be in any degree weakened, has received additional force and confirmation from the whole course of subsequent events, it must be both our right and our duty (a right which a high-spirited people will not easily concede, and a duty from the discharge of which they will not shrink) to prosecute the war without remission, unless it can be made to appear, that all our efforts must be vain and fruitless, and that our enemies are not only formidable, but invincible by any force which we can bring to act against them. But although the events of the last campaign have undoubtedly proved that France, in her present situation, is a formidable enemy, so far from proving her to be invincible, I shall contend, that the general result of the campaign both in its effects upon our own situation, and upon that of the enemy, has been such, as to afford a reasonable expectation of ultimate success.

What was our situation at the commencement of the last campaign? France was in full possession of the Netherlands, and by the operation of the revolutionary power under the decree of the 15th of December 1792, was rapidly adding to her own resources not only all the ordinary resources of that wealthy country, but the property of the church, of the nobility, of all the corporations, the personal property of the prince, and of all his adherents. Upon the first produce of this immense booty Dumourier had calculated, that he could support an army of an hundred thousand men for ten months. By the possession of the port of Ostend, France commanded the commerce both of Holland and England, and had the means of interrupting the intercourse between us and our allies. By the possession of Antwerp and the measures which she had taken relative to the navigation of the Scheldt, she had the means of annoying Holland in that quarter; the possession of Liege gave her the command of the Meuse, and furnished her with great advantages in any operation which she might meditate against Maestricht. Mentz was also in her hands, and the commerce of the Rhine was

consequently entirely at her mercy. She had a powerful army ready to enter the territory of Holland at the first moment of the war, with the avowed object not merely of conquest, but of effecting a revolution in that country upon her own destructive principles; and in the Mediterranean she had a formidable fleet, which had struck all the Italian states with such consternation, as had given her the absolute control over the commerce of that sea, and the undisputed command of whatever resources could be drawn from the countries which border upon it. This was our situation at the opening of the campaign. It was no doubt truly serious, and such as would not have tempted us to undertake a war, if peace could have been maintained consistently with our safety and honour. It might reasonably have been expected, that with such advantages on her side the general balance of events would have been greatly in favour of France at the conclusion of the first campaign; especially when it is considered, that the policy which has been adopted by this country, of keeping both her naval and military establishments at the lowest possible scale in time of peace, must necessarily confine the extent, and weaken the vigour of her efforts in the early periods of war.

Prophecies of a much more gloomy complexion were uttered in this house; we were told (nearly in the language of one of the extracts which I have read from Brissot) that the sea would be immediately covered with the armed vessels of our enemy, and that our commerce would be exposed to depredation in every quarter. We were told in the same tone, that perhaps after five or six years of war, the Netherlands might be evacuated as the price of peace. What is our situation now at the conclusion of the first year of the war?

Holland has been saved. The importance of this event in the present situation of Europe may be estimated by the designs which France has uniformly entertained against that country since the time of her success in the Netherlands. Robespierre lamenting



that Dumourier did not invade Holland immediately after the conquest of the Netherlands, says, "If we had invaded Holland, we should have become masters of the Dutch navy; the wealth of that country would have been blended with our own, her power added to that of France, the government of England would have been undone, and the revolution of Europe secured." The nature of the revolution intended in Holland is now well known. When the invasion of that country was projected, Cambon is said to have declared, that "as the Dutch had no church lands to offer to France for her indemnification in the war, the Dutch revolution must be made on new principles. It must be a revolution of strong boxes and purses." The decree which passed about the time Dumourier entered Holland, is a sufficient commentary on this expression. It shows that if the French had succeeded in that expedition, they would have struck the most fatal blow that commercial credit has ever received.

But the protection of Holland was of great importance in another view. From the moment that France had declared war against the Dutch, Dumourier repeatedly states, that the conquest of Holland was essentially necessary for the purpose of maintaining the possession of the Netherlands in the hands of the French; he says, that "without Holland the Netherlands must soon fall; and with Holland he entertained no doubt of being able to oppose an effectual barrier to the progress of the Austrian and Prussian armies." The recovery of the Netherlands therefore was intimately connected with the protection of Holland. Whatever opposition was made to the force under the command of Dumourier in Holland, must in this view of the subject be considered as a combined operation with the attack of the prince of Saxe Cobourg upon the armies of Valence and Miranda on the banks of the Roer and of the Meuse. It is certain, that the brilliant successes of the Austrians would have been at least retarded, if the gallant defence of Williamstadt and of the passage of the Meuse had not checked the



progress of Dumourier, and prevented him from effecting a junction with the armies opposed to the prince of Cobourg at an earlier period, and under circumstances of greater advantage. It is unnecessary to state, that the seasonable assistance afforded by this country to the Dutch, was *alone* the circumstance which encouraged and enabled them to make so vigorous an effort in that critical conjuncture of their affairs. The recovery of Flanders, thus connected on the one hand with the defence of Holland, was on the other hand an object of equal importance to the permanent security of the Dutch frontier. It was also material to the prosecution of the war in many other respects. It deprived our enemies of resources, which, according to the account given by Cambon, were become necessary to the support of their declining finances, and added what was thus taken from them to the strength of our allies. Brissot says, that "the evacuation of Belgium tarnished the glory of the French arms, and retarded" what he calls "the liberty of Europe." The Netherlands, recovered under such circumstances, have not only been maintained throughout the campaign, but an impression has been made upon the frontier of France, by the capture of Valenciennes, Condé, and Quesnoy. Against these successes are to be set the raising of the sieges of Dunkirk and Maubeuge. Making the utmost allowance for each of those failures, and comparing the circumstances of our situation on the side of Holland and Flanders in the month of February, 1793, with their actual state, it cannot be denied, that the campaign in Flanders has been productive of the most considerable acquisitions both in point of territory and resource, which this country and her allies ever obtained in that quarter in any single year of our most prosperous wars. On the Rhine the recapture of Mentz and the progress made in Alsace, after the distinguished action of Weissembourg, afforded effectual protection to the frontier of Germany during the greater part of the campaign, and operated as a powerful diversion of the force of the enemy. Notwithstanding the sud-

den irruption of the French, by means of the requisition of the mass of the people, (a measure, the effects of which upon the internal situation of France I shall have occasion to examine more particularly before I sit down) our general situation is far more favourable than at the opening of the campaign. Although the French have regained a considerable part of the country from which they had been driven in the course of the summer, they have as yet been contending with us for our conquests, and not for any advantages which they did not possess before the commencement of the war. While our allies retain Mentz, it must be admitted, that after all the extraordinary exertions of the enemy their situation is much more disadvantageous than it was in the month of July. In the territories of the king of Sardinia the French have made no additional progress. On the side of Spain they have suffered considerable losses. The blockade of the French fleet, in the port of Toulon by an inferior force was highly creditable to the naval honour of this country, and in the circumstances attending the evacuation of that town, one of the most severe blows was given to the naval power of France, which has ever been struck in the whole history of our marine, and the command of the Mediterranean was at once transferred from the hands of France into our own. If the fleets of the enemy have offered no opportunity to our's of obtaining any brilliant success, let us compare the actual state of our trade and commerce with those gloomy predictions to which I have already alluded, and with the captures made from the enemy. On this subject I must again refer to the authority of Brissot, which is corroborated by our own accounts. He says, "in the month of March all our privateers were destroyed by the English in the Channel. In the month of April our trading vessels were taken by English frigates at the very mouths of our rivers; our ships could not go into the Mediterranean without danger, and yet we had a fleet there of 15 ships of the line."



If we look to the result of the campaign abroad, the prospect is equally favourable. The fishery of Newfoundland, from which the French have been driven, has always been considered as a most valuable object. We know that it has formed one of the most contested articles in most of our negotiations of peace since the commencement of the present century. The acquisition of this fishery in the first campaign of the war must operate as a material check to one source of the naval power of France. In the West Indies, the importance of the island of Tobago, which we have acquired, may be estimated, when we recollect, that it was the only one of all her conquests which France retained at the peace of 1783, after all the calamities of the American war. In the island of St. Domingo we are in possession of Nicola Mole, the most advantageous post with a view to the command of the windward passage, and of Jeremie, the part of the island which has suffered the least from the ravages of Brissot's commissioners. In the East-Indies, the French have been expelled from all their possessions, excepting Pondicherry, the capture of which could not, according to the latest advices, long be delayed. The acquisition of the fort of Mahé on the coast of Malabar, is of the greatest advantage to our new territories on that coast, both with a view to the commerce and good government of those countries. In a political view it is obviously of considerable importance that the French should not continue to hold a possession, which afforded them the means of so direct and easy an intercourse with Tippoo Sultan.

Thus, Sir, I have endeavoured to give a summary view of the events of the campaign. It does not belong to me to enter into any reply to the critical observations which have been made upon the conduct of particular expeditions, or upon the general disposition and application of our naval and military force. That argument will not be declined by those whose situation in his majesty's councils renders them most competent to treat it with effect. But from what lies within the observation of every man we may collect,

that the general result of the last campaign has not only exceeded our first expectations, but, including all the advantages which the combined armies have obtained on the continent of Europe, including the blow which has been struck against the naval power of France, and the acquisitions which we have made both in the East and West Indies, and at Newfoundland; the general result of the last campaign has not been surpassed in effective advantage either with a view to indemnity, to ultimate security, or to the intermediate means of distressing the enemy during the continuance of the war, by any campaign in which this country has been engaged since the revolution. And in this part of the argument it must never be forgotten, that this is the first campaign of the war. No man would attempt to deny, that such a success as we have obtained in the course of this year against France, would have been deemed of decisive importance in the most brilliant periods of the French monarchy. If therefore our success is now to be undervalued, it must be from an opinion, that under the present circumstances and situation of France, her resources are so inexhaustible, her strength is so absolutely unconquerable, that what would have been esteemed a promising impression against any other state that ever existed, and against herself in other times, must now be considered as wholly nugatory and ineffectual. Let us examine whether we have any reasonable ground to apprehend that this enemy, whom we know to be so formidable, is really invincible; let us not be deterred by the magnitude of her temporary exertions from looking closely into the means by which they have been supported; let us search the real foundations of her apparent strength, and comparing them with the nature and sources of our own power, let us decide upon the true and solid principles of political economy, and upon the established maxims of all human government, whether both the probability of our ultimate success, and the necessity of our present exertions are not greatly increased by the extraordinary and unprecedented character of that



system under which the powers of government are now exercised in France.

At the entrance of this arduous and extensive argument I feel myself embarrassed by two difficulties of a very opposite kind : to apply to the government now prevailing in France the epithets which such a scene would naturally suggest ; to call it a system of rapine, extortion, and fraud, under the colour of a lawful revenue ; of arbitrary imprisonment under the false pretence of liberty ; of murder under the name of justice ; a system, which unites despotism with anarchy, and atheism with persecution, and to adduce no particular facts and proofs in support of such a charge, might well be deemed idle declamation and empty invective. On the other hand, to attempt to bring before you all the shocking and disgusting scenes by which every part of this charge might be confirmed, would lead to a detail wholly unfit for the ears of a British house of commons. I shall endeavour with the utmost care to avoid both these extremes : but if from the very nature of the dreadful transactions on which it is my duty to comment, I should sometimes fall into either, the indulgence of the house will not be refused either to the natural sentiment of indignation which the view of such crimes must excite, or to my anxiety to draw from them conclusions which may be justly and usefully applied to the subject of our present deliberation. It is my intention to advert only to such of the fundamental principles, and of the leading branches of this monstrous system of government, as will furnish the most certain grounds for any possible estimate of its real force, and of its probable duration. But although every fact which I shall adduce will be directed to this particular point of the argument in the first instance, from the same facts, other considerations will arise, and other conclusions will be drawn not less applicable in my opinion to the general question of this day.

The same circumstances which explain the nature of that power with which we have to contend, will also explain the causes of whatever difficulties we may

have encountered in the contest, and enable us to judge whether they are to be surmounted by perseverance. The same circumstances will also serve to show whether the further extension of the system now prevalent in France is to be considered as a matter of indifference, or as an object of terror by the other powers of Europe, and particularly by Great Britain; and whether it be, or be not an essential and inherent quality of that system, to extend itself abroad, as the only security for its existence at home. These and other inferences will be made from whatever detail I may be permitted to lay before you, in endeavouring to give you a faithful picture of the true state and condition of France at the present moment.

On the 31st of May, a revolution took place in the government of France, as extraordinary in its circumstances, and as sudden and violent in its effects as any of those convulsions by which that unhappy country has been afflicted at any period of the late disturbances. By a repetition of precisely the same violences which had been used to bring about all the former revolutions, through the terror which the jacobin club inspired, and by the absolute dominion which the municipality of Paris has invariably exercised over the pretended national assemblies, a few individuals of no distinguished talents, of the most desperate and profligate characters, despised until that moment even in France for the wild extravagance of their principles, and detested even there for their sanguinary and vindictive spirit, drove from the government a powerful majority of the convention, consisting of men who, although equally guilty of the crimes and calamities of their country, were at least supported by whatever remained of landed or commercial interest in the nation, by a great majority of the departments, and by all the principal cities and manufacturing towns. Above an hundred and forty members of the convention were expelled by force from their seats in one day; many of them were immediately imprisoned; and since that time those who have not perished on the scaffold, have either fled the



country, or destroyed themselves from the terror of suffering the same indignities and cruelties which they had already exercised on others, and which they would have exercised on their present antagonists, if the victory in this desperate contest had taken a different inclination.

I shall not dwell in this place upon the instability of any engagement which could have been entered into with a government subject from its nature to such sudden, total, and repeated changes, both of men and of measures. I will only request you to bear this general observation in mind, and to apply it to a subsequent part of the argument.

The party, which had triumphed by such means, recollecting that the convention had been chosen for the express purpose of new-modelling the constitution, although little or no progress had been hitherto made in that work, hastily, in the course of three weeks after their accession to power put forth a most extraordinary production, under the title of a new constitution.

This new version of the natural rights of man contains a digest of every visionary notion of political liberty which has appeared in the speculations of the most wild of all the French philosophers, mixed with some principles and regulations which bear the appearance of regard for the lives, liberties, and properties of the people. Whatever may be the absurdities of this system, it at least serves to show what were the principles of government which the present rulers of France asserted to be not only indispensably necessary to the happiness of the people, but founded in strict right; and in this view it may be a matter of curiosity to compare this constitution with the subsequent measures of those who framed it. Not only the extravagant principle of individual suffrage, but its natural consequence the principle of individual legislation were enacted in the fullest extent; the laws were to be submitted to the sanction of the primary assemblies, and to derive their validity and binding force from the individual assent of above

twenty millions of men. It was particularly enacted, that all regulations affecting civil and criminal justice, the nature, amount, and collection of publick contributions, and all alterations in the current coin, or circulating medium should require the previous sanction of the whole collective body of the people; certain objects of inferiour importance were to be determined by the decrees of the representative body without any reference to their constituents; the representative body was to be changed annually; the executive council, in which was solely vested whatever executive authority was suffered to remain in the state, was to be selected by the convention from a list framed by the electoral assemblies of the people, one half of which list was to be renewed every six months; the municipal officers were to be chosen absolutely by the people in the departments. In order to render the administration of criminal justice independent of the executive or legislative authority it was enacted, that the judges in all the ordinary courts of justice should be annually chosen by the electoral assemblies; and that there should be a court of general appeal, the judges of which should be elected in the same manner. Certain leading principles were solemnly recognised both in the declaration of rights and in the concluding part of the constitution, which is entitled the guarantee of the rights of man—these principles were, “that no man should be judged and punished, until he had been heard. That punishments should bear a due proportion to crimes; that the right of property was that right which belongs to every citizen, of enjoying and desposing of, according to his pleasure, his goods, his income, the fruits of his labour and of his industry. That no person could be deprived of the least portion of his property, without his own consent, unless under the pressure of a publick necessity legally proved, and under the condition of a just and previous indemnity; that the right of petitioning ought in no case to be interdicted, suspended, or limited. That the people have always the right to review, reform, and change the constitu-



tion; and finally, that the constitution guaranties to the whole people of France, liberty, safety, property, the publick debt, the free exercise of religious worship, the right of petitioning, and the right of assembling in popular societies." And for the better security of the people against any violation of these rights and privileges, it was declared, "that the oppression of a single member of the society was to be deemed the oppression of the whole body; and that whenever the government should violate the rights of the people, insurrection became both the most sacred right, and the most indispensable duty not only of the people at large, but of every portion and division of them."

This formal recognition of some principles of incontestable truth, mingled with many of the most incoherent dreams, and many of the most pernicious doctrines which ever occurred to the most enthusiastic zealot, or to the most wicked conspirator in the cause of absolute and unqualified democracy, was tendered to the people in the several departments for their acceptance; and, if we are to believe the reports made to the convention, was actually accepted by a large majority. The acceptance of this model of perfection which was to secure for ever the happiness and prosperity of France, was solemnly celebrated by a civick feast on a day aptly chosen for such a ceremony, on the anniversary of the massacre of the 10th of August, when the last constitution to which the people of France had sworn was overthrown by force, when magistrates were murdered for executing the laws, citizens for defending property, and troops for obeying the orders of those to whom by law they owed obedience. But mark the sequel of this solemnity. The dissolution of the convention, the necessary and immediate consequence of this new constitution, would have destroyed the power of the now reigning party; many other branches of this constitution would have been equally incompatible with the duration of their authority; not only therefore those articles which related to the form of the executive

power and to the election of the legislature were left unexecuted, but the whole municipal constitution, and every article in any degree favourable to personal liberty, to life, or to property, were continually violated without scruple, and without disguise; until on the 10th of October the entire system of the indefeisible, inalienable rights of man, from which nothing can derogate, which admit of no modifications of expediency, which neither bend to times nor circumstances, nor even to the practical happiness of society, was formally and openly suspended; and in defiance of the sovereign people a new and unheard of species of government was established, which, growing out of the theory of impracticable liberty, was to be maintained by the practice of the most unmitigated tyranny. A decree was passed, by which the whole executive authority of the state was drawn into the hands of the committee of publick welfare. Provision was made for the rapid execution of what are termed revolutionary laws; and for the direction and employment of a revolutionary army in order to repress every symptom of a counter-revolutionary spirit; and among the great fundamental articles of this counter-constitution it was decreed, that the corn and grain in the several departments should be seized at the discretion of the new government; and that garrisons should be placed in all counter-revolutionary towns, to be paid and maintained at the sole charge of persons of property. This decree was proposed expressly for the purpose of punishing "not traitors only, but even those who dared to be indifferent to the cause of the existing government, who had the audacity to be passive, and to do nothing for the sovereignty of the people." It was said, "that such persons must be governed by the sword, since it was impossible to govern them by the maxims of justice." It was said, "that the constitution of the 10th of August, 1793, was not sufficiently violent to repress such dangerous attempts against liberty;" it was said, that revolutionary laws could never be executed, unless the government itself was constituted in



a revolutionary manner." Such was the origin, and such is the form of that monster in politicks, of which, as the very notion involves a contradiction of ideas, the name cannot be expressed without a contradiction in terms—a *revolutionary government*! a government which, for the ordinary administration of affairs resorts to those means of violence and outrage which had been hitherto considered, even in France, as being exclusively appropriated to the laudable and sacred purpose of subverting all lawful and regular authority. The sense of the epithet revolutionary, which is so lavishly applied by the convention to every part of this new system, requires some explanation. An extract from the proceedings of the National Convention will serve to exemplify the manner in which that singular phrase is understood and admired by the most unquestionable authority in the science of revolutions. Barriere makes a report respecting the situation of the republic in the month of December; he reads a variety of despatches from the national commissioners in various parts of the republic; and at length he produces a letter from Carrier, one of the commissioners of the convention, dated Nantz, December the 10th. This letter, after giving an account of a successful attack against the royalists, concludes with the following remarkable words: "This event has been followed by another which has however nothing new in its nature. Fifty-eight individuals known by the name of refractory priests arrived at Nantz from Angers. They were shut up in a barge on the river Loire, and last night they were all sunk to the bottom of that river.—What a revolutionary torrent is the Loire!"—You expect perhaps to hear, that the disgusting relation of this inhuman action raised some emotions of horror, if not of compassion in the audience; you expect to hear, that the convention manifested their resentment at this abuse of the revolutionary language; but does any symptom of such sentiments appear?—No! after having listened to this *interesting* report, the convention votes the following resolution: "The na-

tional convention, highly satisfied with the report of Barrere, orders it to be printed, inserted in the votes, and sent to all the armies."

Highly satisfied with this figurative illustration of the style and title of that gracious and mild government which they had so lately instituted, they order it to be proclaimed and published over the whole territory of the republick, to conciliate the affections of a free people, and to animate the enthusiasm of a brave and generous army. Here you learn the full force and energy of their new phrasology. The Loire is a revolutionary torrent, because it has been found a useful and expeditious instrument of massacre, because it has destroyed by a sudden and violent death fifty-eight men, against whom no crime was alleged but the venerable character of their sacred function, and their faithful adherence to the principles of their religion. But this event is truly said to have nothing new in its nature. I dwell upon it for the application of the phrase, not for the singularity of the fact. Every proceeding since the commencement of the troubles in France which has been dignified by the title of revolutionary, is marked with similar characters of violence or blood. The seizure of the property of the clergy and of the nobility was a revolutionary measure. The assassinations of Foulon and Berthier at Paris, and of the king's guards at Versailles in the the year 1789, were revolutionary measures. All the succeeding outrages, the burning of the title deeds and country houses of all gentlemen of landed property, the numberless confiscations, banishments, proscriptions, and murders of innocent persons—all these were revolutionary measures. The massacres of the tenth of August, and of the second of September—the attempt to extend the miseries of civil discord over the whole world, the more successful project of involving all Europe in the calamities of a general war, were *truly* revolutionary measures. The insulting mockery of a pretended trial, to which they subjected their humane and benevolent sovereign, and the horrid cruelty of his unjust, precipitate, and exe-



crable murder, were *most* revolutionary measures. It has been the art of the ruling faction of the present hour to compound and to consolidate the substance of all these dreadful transactions in one mass; to concentrate all their noxious principles; and by a new process to extract from them a spirit, which combines the malignity of each with the violence of all; and that is the true spirit of a revolutionary government.

Some of the general principles and fundamental maxims maintained by the founders of this government are so curious, that it is impossible to pass them over in silence. They represent, that in a revolutionary state, *civil liberty*, (including the personal freedom, the interests, and the happiness of individuals) is but a secondary object, the principal end of such a government being (what they call) *publick liberty*, which, according to their definition, does not consist in the personal freedom of individuals, but in the unrestrained and arbitrary exercise of the supreme executive power. They assert that under the existing circumstances *liberty must be considered to be in a state of war*, not with foreign powers merely, but with her numerous enemies in the bosom of the republick. It follows as a consequence of this principle, that those who act under the commission of liberty may for her sake imprison, plunder, and destroy by the sword the inhabitants of France, according to the rights of war as exercised by belligerent powers in an enemy's country. This abstract idea of liberty at war with the properties, the lives, and the personal freedom of the people, however incomprehensible to a nation accustomed to feel the practical and substantial advantages of a free constitution, is the favourite doctrine of Robespierre, to which the convention has subscribed with the warmest zeal. Connected with this is the main and leading maxim upon which their whole system turns. It is expressed in terms which, although originally derived from the proceedings of this house, will appear to you, sir, somewhat singular in their application. It is, "that terror should be

the order of the day ;” and that, (for the purpose of enforcing a general observance of this order) “ the salutary movement of terrour should be circulated from one extremity of the republick to the other, by means of a rapid execution of the revolutionary laws.” Here then you perceive that terrour is not only the avowed instrument, but the sole end of what in this new system is called by the name of *law*. The government openly renounces the antiquated error of founding itself in the affections, the interests, and the happiness of the people, and publicly declares with a boldness unparalleled in the history of usurpation, that it neither possesses, nor expects, nor desires any other security for the maintenance of its power than abject fear, and general consternation.

To diffuse this consternation as widely as possible, and to remove every obstacle to the rapid circulation of that sentiment which was so essentially necessary to the vigour and action of the administration, an operation was performed, which may be considered as the preliminary step to the general introduction of the whole plan. In open violation of the principles solemnly sanctioned in the constitution, whereby the absolute choice of the municipal officers is reserved to the people, commissioners were sent into every city, town, and village of France, *to regenerate the municipalities* ; that is, to substitute in the place of municipal officers, chosen by the inhabitants under their forms of election, other officers named according to the sole and arbitrary will of these commissioners.

But even this was not sufficient. The right of assembling in popular societies, which had been deemed of such importance as to hold a place in that part of the constitution which is entitled *the guarantee of the rights of man*, being found inconvenient in a revolutionary state, was also set aside without scruple ; and the same commissioners had orders to *regenerate all the popular societies*. This work of regeneration was performed differently according to the exigency of the particular case. In some places the obnoxious persons were imprisoned ; in others they were executed ; and



in all they were replaced, as I have already stated, by persons named at the discretion of the commissioners. In many instances however the aversion to the new tyranny was found so obstinate and incurable, that the commissioners were actually obliged to send to Paris for good sans culottes warranted by the Jacobin club, and to appoint them to fill the municipal offices and the popular societies. The extract which I shall now read from a letter of one of these commissioners, will give a summary view of this extraordinary stretch of arbitrary power, and of the principles with which it was connected. "Herault Sechelles, in a letter dated Plotzheim, November the 27th, gave an account of his measures for restoring the republican spirit in the department of the Upper Rhine. He had regenerated the popular societies and committees; organized the movement of terroure; created a central committee of revolutionary activity; detached a revolutionary force from the army to traverse the whole department; erected a revolutionary tribunal; and was preparing a feast, and celebration of reason, a remarkable conquest in that part of the country over profound ignorance and inveterate fanaticism." Thus, sir, was erected a government, which in its form, in its avowed principles, and in its general spirit is not only incompatible with the existence of all just and rational liberty, but directly contradictory to all those opinions which have been so industriously inculcated in France, and to every doctrine which has been (to use their own phrase) consecrated in either the new or the old version of the rights of man. Thus was established, and thus is now exercised a government, which is, in the strictest sense of the words, the most atrocious and the most degrading tyranny that has ever trampled on the liberties, and sported with the happiness of a great nation.

If this description seems to be exaggerated, look at the practice, look at the details of this government! View its operation and effect upon all those means, by which the great ends of civil society are to be accomplished!

Inquire from what sources and through what channels it draws the publick revenue? how it affects the systems of agriculture and commerce? with what attention to the internal prosperity of the country it levies and maintains the publick force? what provision it makes for the pure and equal administration of justice? how it regards religion, that great basis of every moral and civil duty? and as the result of all these considerations, what is the real condition of all the inhabitants of France, with respect to the security of liberty, of property, and of life? and consequently, what must be the disposition and temper of the people? what the permanent strength of the state under all its actual circumstances? and what the stability of that power, which now menaces, and holds at defiance the united force of Europe?

At the accession of the revolutionary government, the expenditure of France stood, as far as can be gathered from an account of three months at the end of the year 1792, at the enormous rate of twelve millions sterling per month. The resources of the country had already been greatly injured by former mismanagement; agriculture and internal trade had already suffered by the first attempts towards the establishment of that gigantick system of military force, which has since been carried to such an excess; foreign commerce had already much declined; and both publick and private credit had been greatly embarrassed by the quantity of assignats in circulation; an evil of such magnitude, that even as early as the month of November, 1792, the plunder of the Netherlands was proposed by the minister of finance, as the only remedy, which could avert the impending danger.

Since the revolution of the 31st of May the expenditure has been so much increased, that according even to the accounts laid before the convention itself, the expense of the month of August was above *eighteen millions sterling*; and there is reason to believe that the real charges of the succeeding months may have exceeded that sum. But as the *levée en masse*, or



compulsory levy of the mass of the people took place about that time, by which it is stated that five hundred thousand additional men have been raised, the maintenance of so vast an army must be such an increased charge, as seems to justify the supposition that eighteen millions sterling may be taken as the average of the present monthly expenditure of the revolutionary government. This would make an annual expenditure of two hundred and sixteen millions sterling: a sum which nearly approaches to the amount of the whole national debt of England.\*

The total ordinary revenue of France before the war was stated to be about 600 millions, or about 25 millions sterling, arising from duties on imports, taxes upon real and personal property, stamp duties, and duties on registry of deeds, bills of exchange, notes of hand, &c.

The total collective income of all the individuals in France is stated in the financial reports of the present government to be one hundred and twenty millions sterling, of which one third is said to arise from commerce: so that if the account here given be correct (and there is every reason to credit it) it appears that the annual expenditure of the government of France at present exceeds the total collective income of the individuals of the country by the enormous sum of 96 millions sterling; or, in other words, that there is

\* The deficiency between the total receipt of revenue, ordinary and extraordinary, and the total expenditure of France, according to the monthly accounts was, in French livres.

For April, 1793,	-	-	-	-	460,000,000
May,	-	-	-	-	315,000,000
June,	-	-	-	-	192,000,000
July,	-	-	-	-	253,000,000
August,	-	-	-	-	401,000,000
Sept. supposed from increased expense					400,000,000

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L. 2,020,000,000

This makes the deficiency for a year, upon a computation drawn from 6 months, from April to September, at the exchange of 30, or 10d. English per French livre, about 166,640,000l. sterling.

an annual waste of ninety-six millions of the aggregate capital of France by the expenditure of the government alone, besides what is consumed by the expenditure of private individuals. To supply an expenditure infinitely exceeding the prodigality and extravagance of any government that ever yet appeared in the world, the revolutionary government had recourse at first to the practice of increasing the mass of paper money. They declared, that they had no other means of sustaining the pressure of the present war, than by the creation of an additional quantity of assignats upon the pledge of the national property; consisting of the ancient church lands, the estates of the crown, the resumed grants or sales of crown lands, and the estates real and personal of the emigrants, and of all persons executed for state crimes. But they have been compelled to confess, that this resource of assignats cannot be available to any thing like the extent to which it was carried by their predecessors; and both from their language and their measures there is every reason to believe, that they are convinced that it cannot long be available at all. There is not a single speech or report upon the subject of finance, in which the quantity of assignats already in circulation is not represented as a grievance of the most urgent nature. In one of the reports they declare, that assignats are become their only instrument of commerce and measure of value; they give them the favourite title of *revolutionary money*; and then they describe their effect, which is indeed of the genuine revolutionary character; they say, "*assignats grind the poor, cheat the rich, foment avarice, and nourish every species of ruinous speculation.*"\*

\* The total number of assignats created,

has been	5,100,000,000
En caisse, on the 1st of May	485,000,000
Issued, about	4,615,000,000
Burnt to 1st August	840,000,000
Remained	3,775,000,000
Royal assignats demonetisés	558,000,000
In circulation on the 1st of August, 1793	3,217,000,000

Or above 130 millions sterling.

This sum is exclusive of forged assignats to a great amount.



Upon this reasoning, they determine that it is absolutely necessary to diminish the quantity of assignats in circulation, and they enter upon a variety of projects and experiments for that purpose, which together form a system of finance so absurd and iniquitous in its principle, and so rapidly destructive in its operation, that its existence, in an age conversant with every question of political economy would be incredible, if it were not capable of proof by reference to the authentick reports of the several committees, and to the decrees of the convention. One of their first steps was to forbid, under the colour of a republican zeal for the extinction of every trace and vestige of the monarchy, the circulation of all assignats of above a hundred livres, bearing the image of the late king. This outrageous act of publick fraud is attempted to be justified by a most singular train of reasoning. Twelve or fifteen hundred millions of livres (that is, about 50 or 60 millions sterling) they say, are due on account of arrears by the purchasers of national domains; and six or seven hundred millions of livres (that is, from 25 to 30 millions sterling) are due on account of arrears of taxes. They therefore permit these *dismonied*\* assignats, as they call them, to be received at the publick treasury in payment of either of these classes of arrears, provided such payment be made before the 1st of January, 1794.† It is evident that this relief could have only a partial operation; it makes no provision whatever for the case of that numerous description of persons who might be in possession of royal assignats of above the value of a hundred livres, and yet might not be indebted to the publick treasury to that amount. But this was followed by a proceeding still more violent. On the 14th of December it appeared that there remained royal assignats of above 100 livres outstanding to the amount of 178 millions of livres, a sum exceeding 7 millions sterling. Cambon, in reporting upon the

\* *Demonetisés.*

† This decree passed on the 31st of August, 1793.

subject treats this sum as a mere trifle. He adds, that none but aristocrats could at that period be the holders of royal assignats, and nobody could feel any regret at seeing them perish in such hands : besides, the republick would gain 50 or 60 millions (or about 2,500,000*l.* sterling) by this new operation. Upon this ground, a decree passed on the 14th of December, declaring that after the 1st of January, 1794, no royal assignat of above a hundred livres should either be circulated or received in the treasury on any account ; that all holders of any such assignats after that day shall be bound to bring them to the municipalities to be burnt ! and that after the 1st of February any holder of such an assignat shall be deemed a suspected person, and exposed to the vengeance of the republick. This decree can be considered as nothing less than a direct act of bankruptcy ; to what precise amount must have depended on the value of the assignats paid into the treasury between the 14th of December, 1793, the day on which the decree passed, and the 1st of January, 1794, the time limited for receiving such assignats at the treasury. Cambon states, that the gain to the republick would be about 2,500,000*l.* sterling. We may therefore at least, take the amount of the bankruptcy of the republick upon his calculation.

The next proceeding which I have to state is of a still more extraordinary complexion. On the 24th of August 1793, a subscription was opened for a loan at 4 per cent. interest, for the purpose of taking up assignats. This loan was called by a singular epithet the *voluntary* loan, to contradistinguish it from the *forced* loan, by the plan of which it is accompanied in the same report, although the details of that plan were not formally enacted until the 3d of September. Few or no voluntary subscribers having appeared, (as might naturally be expected in a country where there is no publick credit, and no security for any property, and least of all for any property in the publick funds) the companion of the voluntary loan was now brought forward, and a decree was passed, exacting from the



people of France a *forced loan* of one milliard, or forty millions sterling, being one third of the total collective annual income of all the individuals in France, according to the statement of the convention itself. The object of this measure is stated expressly to be to diminish the mass of assignats, and to bind the rich citizen to the fate and to the success of the revolution. This loan is to be levied on "all income arising from property in the publick funds, from private annuities, from interest of capital employed in commerce, in banking, or generally in profitable business of any kind." But this is not enough: even what is called *idle capital* is not exempt. *Idle capital* is defined to be "any sum exceeding his half-yearly income, which an egotist may have laid by, either in his strong box, or at his banker's, or in the hands of persons indebted to him." This unproductive property is estimated to produce five per cent. interest, and according to that rate is to be reputed as income, and to be made liable to the tax. Any profit made upon capital employed before the year 1793 is also to be rated at five per cent. and subjected to the tax. A commission is appointed to ascertain every man's income, and every man is bound to give in the name and dwelling place of all his creditors. No interest is allowed upon this forced loan, and no part of it is to be repaid until the term of two years after the peace, when attested receipts of payments on account of the loan are to be admitted in the purchase of national domains. The rate of this tax is as follows: on all yearly income not exceeding a thousand livres, or forty pounds sterling, one-tenth is to be taken. The tax then increases progressively one tenth upon each one thousand livres, or forty pounds sterling, until where the income reaches ten thousand livres, or four hundred pounds sterling, two hundred and twenty pounds are absorbed by the tax. All income *above four hundred pounds sterling is to be taken absolutely and entirely*; so that the first basis of calculation on which this measure is founded is, that for the present year no man in France shall

have an income of more than one hundred and eighty pounds.\*

There are however certain deductions allowed. To bachelors 40l. income free from the tax; to every married man 60l.; and the *ample* allowance of forty pounds for the maintenance of his wife, and the same for each of his children; and all those who may choose to take charge of an old man, or of the wife or child of a defender of the country are to be allowed the same addition of forty pounds free income. What may be the expense of maintaining the wife or child of a defender of the country is difficult to compute; probably the intention of this regulation was to afford a pretext to the Jacobins and to their friends for evading this grievous tax. I leave it to the house to decide, what the operation of this tax must be upon the higher classes affected by it; and what relief it would be to a man† of ten, of five, or of one thousand

\* The tax is calculated as follows, in sterling money :

Income.		Tax
1st. 40l.	—	4.
2d, 40l.	—	8.
3d, 40l.	—	12.
4th, 40l.	—	16.
5th, 40l.	—	20.
6th, 40l.	—	24.
7th, 40l.	—	28.
8th, 40l.	—	32.
9th, 40l.	—	36.
10th, 40l.	—	40.
<hr/>		<hr/>
400		220
220		
<hr/>		

180 Remainder.

The whole surplus income above 400l. goes to the tax.

† In the model of the declaration of income annexed to the decree, the form is drawn for a married citizen of 5,800l. a year, arising from landed property, annuities in the funds, capital employed in commerce, in contracts with government, &c. He is supposed to support his father, wife, a child, an old man, and a child of the defender of the country; he is charged for the tax the sum of 5,420l. Remainder 380l. The payment to the forced loan does not exempt any



pounds a year who should be reduced, at one blow to an income of one hundred and eighty pounds, to be allowed 40 pounds for the maintenance of his wife, and the same sum for each of his children. In reasoning upon this part of the question the convention declare, that they would not have "confiscated the whole income beyond four hundred pounds, if this measure were to be permanent; because it could never enter into their views to place any bounds to the emulation, or to the industry of the people; but it was their object, leaving to every man the enjoyment of the fruits of his labour, to reduce to the level of equality by\* *gentle* ways those fortunes which had risen above it." They add, however, "that it is indeed true, that this measure will be very partial in its operation; it must fall most heavily on men of property; but they deserve no mercy. If they have the obstinacy to hoard up their unproductive capital in their coffers, they must suffer the penalties due to such a robbery committed against the rights of society, and against the beneficial circulation of cash: for what is the injury to egotists in the forced loan? Let them carry their money to the voluntary loan before the month of January. It will be received in discharge of the sums due on account of the forced loan, and interest will accrue upon it, payable at the convenience of the state. In this light the forced loan is a benefit to egotists; although it may restrain their luxury for a time, it compels them to draw a profit from their idle capital; and economy is a virtue which ought above all others to be cherished in a republick.

Here, sir, is such an advantageous proposal, as was never before made to men of property of all descriptions. Those who have large incomes arising from landed estates, property in the funds, or capital profitably employed, are *invited* to pay in the course of

man from the taxes which have been imposed for some time on all real and personal property, and which are very heavy,

\* Voies douces.

four months, nearly the whole anticipated receipt of twelve into the publick treasury on account of the voluntary loan, and are assured, that the time will come, when they shall receive interest for their money. Those monied men, who from motives of prudence, have not thought fit to embark their property in the uncertain funds of a distracted state, are also *invited on the ground of economy*, to pay into the treasury on account of the voluntary loan, five per cent. upon that which produces them nothing at the risk of entirely sinking the sum so advanced, and upon the faith of a precarious and illusory promise, that they shall receive in the interval a per-centage insufficient to indemnify them for their immediate loss.

But if any person should be so negligent of his own interest, and so forgetful of the true principles of domestick economy as to reject this invitation to contribute all his means of present subsistence to the voluntary loan before the month of January, he is compelled to pay the whole to the forced loan by the month of March, without the prospect of receiving any interest at all, or of being repaid his principal until the period of two years after the peace; and if he should not be able to pay the sum at which he is rated, by the month of March, his property is liable to seizure, and when the sum is levied, he forfeits it absolutely to the state, and entirely loses his right of repayment. Thus (say the commissioners of finance in their report on this subject) "the forced loan allies itself with the voluntary loan; thus these two salutary operations are intimately mixed and blended together, and reciprocally support each other. Such are the measures which ought to date their origin from the epoch of a constitution, which consecrates and guaranties the true principles of society. The legislators have recorded in the first article of their decree upon the forced loan their homage to the constitutional principle of respect for property; for, by this tax, they only take every man's income, and by allowing him to retain his capital they leave him all that he possessed in reality before," These, sir,



are the gentle ways of equality ; these are the lessons by which the people of France have learned the intimate and natural alliance between compulsion and consent, and this is the nature of that homage which the revolutionary government has paid to the rights of property in this great financial operation. Notwithstanding that the publick debt had been guaranteed by the constitution of the 10th of August, 1793, the funds,\* are by this scheme subjected to tax ; the fundamental principle of the whole commercial system, which consists in the application of the profits of one year to support the enterprises of the next, is overturned at one blow by this violent confiscation of so large a proportion of the annual income arising from profitable capital. The injustice and mischief of this project in its general operation on other branches of property have sufficiently appeared, in explaining the regulations and doctrines on which the decree is founded. The effects of so sudden and violent a reduction of income in all the classes above 400l. a year, must extend equally to all the lower classes† also ; it must be as severely felt by the poor as by

\* The forced and voluntary loans were accompanied by a decree for consolidating the publick debt. This was done by compelling all the publick creditors to enter their demands in one book, and by confounding every class of them, so that the order and priority of their claims on the state might not be distinguished hereafter. Thus it was said "the debt will be *republicanized*," and it is added, "this operation of *republicanizing* the debt will facilitate the means of *taxing* it." These measures together, namely, the voluntary loan, the forced loan, the republican debt, and the taxed funds are called by the commissioners "*a jubilee of revolutionary finance*."

† By referring to the scale of this tax it will be seen, that the distress would be scarcely less felt by the middle ranks of society, consisting of persons of 400l. a year, and of an income below that sum. It is remarkable that in the first plan for the forced loan laid before the convention, it was proposed to exempt from the tax all income below 400l. a year. The plan was extended in consequence of a report from the commissioners of finance, stating that such an exemption would reduce the produce of the tax so considerably, as to render it wholly insufficient for the purposes of the government.

the rich, who are the immediate objects of the exaction. All the servants, dependants, tradesmen, workmen, or labourers, who have been used to draw their maintenance either from the benevolence, or from the necessary demands of such persons of property, must instantly be ruined by the failure of that source from which they derive their only means of subsistence. The only just observation in the whole course of the voluminous reports on this measure is, *that it is not of a nature to be renewed*; it is evident, that whatever might be its produce in the first year, such must be its rapid and ruinous effects, that even if it were to be renewed in another year, it could not be productive.

It was stated by Cambon, late in the month of November, that although this tax had been collected at Paris, where the movement of terror may be supposed to be most active, very little had been received in the several departments.

The means which have been employed for enforcing this and other extortions, I shall have occasion to consider presently, as well as the total amount of the sums which they are said to have brought into the national treasury.

In the same spirit with this general forced loan, local loans have been levied in different parts of the republick, which, however, have not on that account been exempted from the general contributions. At Bourdeaux, during the regeneration of that city, large sums were raised in order to punish, what is styled, *the malevolence of the rich, and the crime of egotism*; a crime which, as nearly as any definition of it can be collected from the proceedings of the convention, consists in the possession of property, and the application of it to the use of the possessor, or to any other purposes than those which the rapine of the present tyrants of France is pleased to prescribe. At Strasburg, a loan of twenty millions of livres, (nearly a million sterling) was levied exclusively upon the rich, by St. Just, one of the national commissioners. Some proceedings of this nature were so violent as to have



been made matter of complaint in the convention. It was stated to the convention on the 30th of September, that one of the national commissioners in the department of Loiret, imposed arbitrary taxes unauthorized by law upon the citizens. A particular case was adduced, and a motion was made that the taxes so imposed should be repealed, and the commissioner reprimanded. It was answered, that the convention would not embarrass the proceedings of their commissioners for the sake of aristocrats and counter-revolutionists; and the convention accordingly, upon a special case stated, of a tax levied without authority of law by the arbitrary power of one of their own commissioners, stifled all inquiry, and passed to the order of the day. Complaint having been afterwards made that the revolutionary taxes were not paid into the publick treasury, it was decreed, that the produce of all taxes levied upon citizens in any part of the republick by incompetent authority should be paid into the publick treasury; and that those who had collected such taxes in the several departments should be accountable to the publick for the sums which they have received. This decree contained no provision whatever for refunding any part of these illegal exactions to the persons aggrieved, while it gave the sanction of the convention to such unwarrantable oppression, by applying the profits arising from it to the use of the state as a regular and legitimate article of revenue.

Such being their mode of diminishing the mass of circulating assignats, the next leading branch of their financial system was the effort made for procuring gold and silver. It will appear rather extraordinary to the house, that the first measure taken with this view should have been the proscription of those metals. A letter is received from Fouché, commissioner in the central and western departments, in which you may perceive the first symptoms of a growing indignation against gold and silver. He says, "gold and silver have been the causes of all the calamities of the republick. I know not by what weak complai-

sance those metals are still suffered to remain in the hands of suspected persons. Let us degrade and vilify gold and silver ; let us drag those deities of monarchy in the dirt, and establish the worship of the austere virtues of a republick." He however adds, " I send you seventeen chests filled with gold, silver, and plate, of all sorts, the spoil of churches and castles, You will see with peculiar pleasure two beautiful croziers, and a ducal coronet of silver gilt."

This ingenious idea of vilifying and degrading valuable effects by seizing them for the use of the revolutionary government, is not lost upon the French minister of finance. A few days after the receipt of this letter, a citizen appears at the bar, and desires to be permitted to exchange certain pieces of gold and silver bearing the image of the tyrant for republican paper. This patriotick and disinterested offer, as you may imagine, was gladly accepted by the convention : but upon a motion being made, that honourable mention of this transaction should be inserted in the votes, the chancellor of the exchequer rises with the utmost indignation to oppose so monstrous a proposition ; he delivers a most eloquent and vehement invective against gold and silver ; he says, " In a short time the world will be too happy if we should deign to receive pieces of metal bearing the effigy of tyrants in exchange for republican assignats ; already the whole nation rejects and despises those corrupting metals, which tyrants originally brought from America for the sole purpose of enslaving us. I have in contemplation the plan of a sumptuary law, by which I will drive that vile dung once more into the bowels of the earth."

What was the sumptuary law by which the chancellor of the exchequer proposed to accomplish this salutary reform ? Here is that excellent law. " All gold and silver metal, in specie or plate, all jewels, gold and silver lace, or valuable effects which shall be discovered *buried in the earth*, or concealed in cellars, walls, rubbish, floors, or pavements, hearths, or chimnies, or in any secret place, shall be seized and con-



fiscated for the use of the republick ; and the informer shall receive a twentieth part of the value of whatever he shall discover, to be paid in assignats." Concealment alone is the crime on which this law attaches, without even any of the ordinary pretences of aristocracy or disaffection. In consequence of this decree, every place in which it was possible to conceal treasure is searched with the utmost rigour ; the privacy of every house is violated ; every cellar and garden is dug up ; and the chancellor of the exchequer with the most unrelenting spirit of persecution pursues the objects of his hatred and contempt even to the bowels of the earth, where he had threatened to drive them.

About the same time a law was passed appointing commissioners for receiving, on behalf of the nation, the gold and silver plate, and every other valuable article which had been consecrated to the use of religious worship in any part of the country. This leads me to a most distinguished feature of the revolutionary government : I mean the formal abolition of religion. It may appear extraordinary that I should introduce in this part of the argument a subject which from its serious and awful nature might seem to demand a separate and distinct consideration. But in order to show the system which I am describing in its true colours, I am compelled even in the distribution of this detail to follow the course of the extravagant follies, and of the eccentric crimes which distinguish the revolutionary government, not more by their absurdity and magnitude, than by their novelty and singularity. For this reason I must class the abolition of religion under the head of revenue. The main object of this measure was certainly to obtain a new resource by seizing the salaries of the clergy, and by plundering the ornaments of the churches. There was however another collateral object inseparably connected with the first, namely, to strengthen the foundations of the revolutionary government, and to reconcile the minds of the people to the crimes of their tyrants by destroying the first elements of all

moral principle, by dissolving the firmest bond of civil society, and by subverting the strongest bulwark of lawful authority.

The plan for the accomplishment of these combined objects was deliberate and systematick, and pursued from beginning to end with the utmost regularity, consistency, and vigour. The groundwork of this scheme had indeed been long laid; it may be traced in the seizure of the church lands, in the oath exacted from the clergy by the civil constitution of 1792, and in the persecution and massacre of those who had the virtue and courage to reject that oath, and to sacrifice their fortunes, and expose their lives, for the sake of the established religion. The fury of that persecution had been nearly exhausted before the 31st of May, and the revolutionary government found no priests in possession of salaries from the state, but those who had submitted to the constitutional oath. The first step taken was, to reduce the salaries of the priests to an allowance scarcely sufficient for their subsistence. Soon after, all disguise was thrown off, and the convention on the one hand excited the people by a publick address to despise their clergy as a useless and unnecessary burthen, and on the other openly proposed rewards to such priests as should voluntarily renounce not their salaries only, but the duties of their sacred office. The commissioners in the several departments received instructions to enlighten the publick mind, and to encourage the abdication of the clergy. Some extracts from the addresses of the clergy, and from the letters of the national commissioners will best explain the true spirit of those proceedings. An address, dated the 30th of October from the curate of Villos du Luchon, says, "Legislators, I come to make a publick confession, and to declare my repentance. Why should we spare established prejudices? For my part, I believe that no religion in any country in the world is founded in truth. I believe that all the various religions in the world are descended from the same parents. They are all the daughters of pride and ignorance. I



believe that heaven is nothing more than the happiness which attends virtue on earth. I render this solemn homage to truth. Universal morality is become my gospel; and henceforth I mean to draw my texts from thence alone, and to preach in no other cause than that of liberty and of my country. Faticism will not now listen to me; but by habits of truth men will be converted to reason; and we may hope that soon priests of all religions will comprehend the triumph of philosophy and of the liberty of nations, and acknowledge the difference between the functions of the priesthood, and the duties of honesty and virtue." Upon receiving this address, the convention decrees, "that all similar addresses of renunciation of the ecclesiastical character, and of the functions relating to it, shall be lodged with the committee of publick instruction, which is ordered to take effectual measures for rendering all such publick acts useful to the history of the revolution, and to the publick education." This proceeding does not satisfy the eagerness of Thuriot. He observes, that "he has no doubt that the new creed will soon efface all memory of the old." But in order that truth may be carried into every part of the republick with more promptitude and effect, he moves, "that all similar letters should be translated into all the provincial idioms." Not satisfied even with the hope of propagating these liberal doctrines in the provinces, he carries his benevolence beyond the limits of France. He says, "It is not sufficient to enlighten one part of Europe: this is a case in which it may be right to soften the rigour of the French laws respecting foreigners. It should be the duty of the convention to assume the honourable office of diffusing truth over the whole earth." And upon his motion it is decreed, "that all renunciations of the functions of religion shall be translated into all foreign languages." In the same month the archbishop of Paris enters the convention, accompanied by a solemn procession of his vicars, and by several curates of Paris; he makes a speech, in which he renounces the priesthood in his own

name; and in the name of all his attendants; and he declares, that he does it, "because he is convinced that no national worship should be tolerated, excepting the worship of liberty and equality." The votes of the convention mention, that the archbishop and his curates were received and embraced with transport by the whole convention; and that the archbishop was solemnly presented with a red cap. Before he left the convention, several members who were clergymen imitated his example by adopting his creed. The day concludes with a speech from Julien of Toulouse, a member of the convention, and a minister of the protestant church. He says, "For twenty years I have exercised the functions of a protestant minister. I declare that I renounce them for ever. In every religion there is more or less of quackery (great applauses.) It is glorious to be able to make this declaration under the auspices of reason, of philosophy, and of that sublime constitution which has already overturned the errors of superstition and monarchy in France, and which now prepares a similar fate for all foreign tyrannies. I declare that I will no longer enter into any other temple than the sanctuary of the laws; that I will acknowledge no other god than liberty, no other worship than that of my country, no other gospel than the republican constitution: such is my profession of moral and political faith. I shall cease to be a minister of the protestant church; but I shall think myself equally bound to advise, exhort, and instruct my fellow-citizens in the jacobin clubs, and in the publick squares; there I will preach, and there I will inspire them with the love of liberty and equality. I will soon lay upon the table my letters of ordination, of which I hope you will have the kindness to make an *auto da fe*." The letters of the national commissioners are full of the same zeal: Lequinio and Laiguelot, deputies of the convention, write to that assembly, from Rochefort on the 2d of same month, in these words: "We pass from miracle to miracle: soon our only regret will be that no more miracles



remain to be performed. Eight priests of the catholic persuasion, and one minister of the protestant church unfrocked themselves on the day of the last decade in presence of the whole people in the temple of truth, heretofore called the parish church of this town; they abjured the errors which they had so long taught; and they swore henceforth to teach nothing but the great principles of morality, and of sound philosophy; to preach againsts all tyrannies political and religious, and at length to display the light of reason to mankind. The whole people, protestants and catholics, swore to forget their ancient superstition. In this town there will no longer exist more than one mode of preaching morality; there will exist but one temple, that of truth; but one repository for the remains of the dead, whose resurrection has been perpetually preached by superstition for the torment of the living. The rights of man and several other constitutional laws are to be substituted in the room of the mysterious ornaments of the churches. We thought it right to recompense the courage of these philosophical priests, who have been the first to shake off the yoke of superstition. We have accordingly granted to each of them for their lives a pension of fifty pounds a year. Every thing goes on smoothly here. The people of their own accord approach the torch of reason, which we hold up to them with an air of mildness and fraternity. The revolutionary tribunal, which we have established quickens the motions of the aristocrats; and the guillotine strikes the heads of traitors to the ground."

The same commissioners in another letter say, "The people of Rochefort triumph over all prejudices; they now exchange their gold for assignats; and we have no doubt that their example will soon be followed throughout all France; and that soon the whole people renouncing the ancient habits which they had contracted under the royal government, will demand the suppression of all money in specie, as they have already destroyed every remnant of Presbyterian mummery. We announce to you with great

satisfaction, that the popular society of Rochefort has selected from its own body several preachers of morality, who are gone upon a vicarial mission into the villages and hamlets of the neighbouring district. We are informed that these apostles of reason make proselytes wherever they go. If this measure had been adopted at the commencement of the revolution, we should never have heard of La Vendée."

Boisset, another commissioner, gives an account of his operations in the departments of Ardeche, la Drome, du Gard, and Herault. He says, "Fana-ticism is destroyed. Catholicks and protestants forgetting their former animosities unite in the same worship, that of liberty and the laws. The altars of christianity are replaced by altars more holy. The whole people will soon assemble before them, each decade, to render homage to liberty."

Wherever the priests could not be induced by corruption to abjure their profession ; wherever the people did not willingly approach the torch of reason and truth, the most rigorous measures of persecution were adopted. Dumont, one of the national commissioners, announces to the convention, "that, in order to destroy fanaticism he arrests all priests who celebrate religious ceremonies on Sundays." He adds, "that he includes all those monsters called priests in his general list of proscription ; and that he has made several captures of those infamous bigots." This letter was greatly applauded in the convention. But the zeal of the municipality of Paris was most eminently distinguished in every period of this impious and cruel persecution. The conduct of that body merits peculiar attention, not only because it had so large a share in producing the revolution of the 31st of May, but because it is likely to have an equal influence in any future convulsion.

The municipality of Paris decreed, "that all churches and temples of religious worship of whatever denomination existing at Paris should be instantly shut ; that the priests and ministers of the different religions should be responsible for any commotions



on account of religion which might happen in consequence of this decree ; that any person requiring the opening of a church or temple for the celebration of religious worship of any kind should be put under arrest as a suspected person ; and that the revolutionary committees should be invited to keep a watchful eye over the clergy of every denomination."

In consequence of this decree the cathedral church of Notre Dame at Paris, and all the parish churches were shut up for some time, until they should be regenerated and purified from every taint of christianity. The cathedral church was formally dedicated to reason and truth, by a decree of the convention, passed at the instance of the municipality of Paris. Other churches underwent a similar purification. Many were dedicated to reason, many to truth, some to probity and the nation, some to liberty and equality, but all, without exception, were alienated from the service of God.

Nor was it merely against christianity that these efforts were directed. On the 12th of November a Jewish rabbi is introduced in the council general of the commons of Paris ; he makes an offering of the ornaments of religious worship employed in his synagogue ; they are received with the warmest applause ; and this interesting scene is recorded in the following words :

"The council general, in testimony of its sense of the disinterested conduct of the citizen Benjamin Jacob, heretofore a jew, resolves, that civick mention shall be made of his name in their votes. On this occasion the members of the civil council vied with each other in giving the fraternal kiss to this respectable philosopher."

On the same day a report was received from the popular society of the section of the museum, announcing that they had "executed justice upon all the books of superstition and falsehood ; that breviaries, missals, legends, together with the old and new Testament, had expiated in the fire the follies which they had occasioned among mankind." A book of

registry was opened at the town hall, for receiving the declarations of those who wished to give proofs of their civism by abjuring the functions of minister of any sect of any religion. All this passed at Paris under the eye of the convention, not only without their opposition, but with their formal approbation and concurrence.

In order to take the lead in completing the salutary work in which they had hitherto borne so active a part, the council general of Paris decreed, "That a civick feast should be celebrated in the heretofore cathedral church, and that a patriotick hymn should be chaunted before a statue of liberty, to be erected in the place of the heretofore Holy Virgin."

You remember the circumstances of that extravagant orgy to which this decree was the prelude; you remember the introduction of the goddess of reason into the convention, the fraternal ardour with which she was embraced by the president in the chair, by the secretaries at the table, and by all the members present, and the piety with which she was afterwards publickly worshipped by the whole legislature of France in the cathedral church, or (to use their own language) in the regenerated temple of reason and truth. There the archbishop of Paris officiated in his new character, with a red cap on his head, and a pike in his hand; and with that sacred weapon, which he bore as the symbol of the united deities of Reason and Liberty, having destroyed or defaced whatever emblems of the christian religion had escaped the first purification of the regenerated temple, he terminated this auspicious ceremony by placing the bust of the regicide Marat on the altar of God. To perpetuate the memory of this solemn act and celebrity of atheism, the convention voted, that a colossal statue should be erected upon the ruins of all the emblems of monarchy and religion. The impiety of the sections of Paris seems to have received new vigour from this august ceremony. A deputation from the section of Unity was soon after received in the convention; the deputies were laden with the spoil of one of the richest



churches at Paris ; to this acceptable offering they added an address full of energy, in which they congratulated the legislature, "that reason had gained so great a victory over superstition ; that a religion of error and of blood was annihilated ; a religion, which for eighteen centuries had occasioned nothing but evils upon earth ; and yet it was pretended to be of divine origin !"

Here the address enumerated several different epochs of christianity, in which murders and massacres have been committed. It continued in these words :

"Such are the works, such are the trophies of this religion ; may it be obliterated from the face of the earth ! happiness will then return ; mankind will live like friends and brothers : from this auspicious moment, history, whose painful task has hitherto been to record the crimes of religion, shall have nothing to commemorate but virtue and happiness. We swear that we will tolerate no other worship than that of reason, liberty, equality, and the republick." It appears by the votes, *that the whole convention joined in this oath* ; and the president made the following reply to the address :

"In a single moment you have annihilated the memory of eighteen centuries of error ; your philosophy has offered to reason a sacrifice worthy of her acceptance, and fit to proceed from a true republican spirit. The assembly receives your offering and your oath in the name of the country."

These proceedings in the convention and municipality were seconded by *good writings*, industriously circulated among the people by the means ordinarily employed for the propagation of every favourite doctrine.

In one of them appears the true spirit and principle of this reform : it is there maintained in plain and direct terms, "That provided the idea of a Supreme Being be nothing more than a philosophical abstraction, a guide to the imagination in the pursuit of causes and effects, a resting place for the curiosity of

inquiring minds, a notion merely speculative, and from which no practical consequences are to be applied to human life, there is no great danger in such "an idea ; but if it is to be made the foundation of morality ; if it is to be accompanied by the supposition, that there exists a God who presides over the affairs of the world, and rewards or punishes men for their actions on earth according to some principle of retributive justice, there can be no opinion more prejudicial to the interests of society. That the idea of a supreme deity is a despotick idea, and must be so in all times ; that mankind can never be really liberated or republicanized, so long as they shall preserve such a notion ; that beings who adore an invisible master will easily believe that he may accomplish his ends by earthly agents ; and reasoning by analogy, they must conclude the necessity of some system of ranks and orders of society, and finally of some regular government among mankind ; and thus the servitude of the understanding will enslave every moral and political principle."

From the mouths of the principal actors in this extraordinary scene I have brought before you the scope and aim of their design. It was not (as we have been told on this day) to purify their own established mode of worship, and to clear it from the errors of the church of Rome. Protestants were invited to unite with catholicks in the extinction of the protestant as well as of the catholick religion ; protestants as well as catholicks were denied the liberty of assembling for the purpose of publick worship ; protestant as well as catholick churches were shut up ; and those who dared to celebrate religious worship of any kind were arrested, and treated as suspected persons. Christianity was stigmatized through the organ of the president of the convention, amidst the applauses of the whole audience as a system of murder and massacre, which could not be tolerated by the humanity of a revolutionary government. The Old and New Testament were publicly burnt as prohibited books. Nor was it even to Christianity of any denomination,



that their hatred was confined. Even Jews were involved in this comprehensive plan; their ornaments of publick worship were plundered, and their vows of irreligion recorded with enthusiasm. The rigour of the laws respecting foreigners was relaxed, in order that impiety might be universally propagated for the general benefit of all mankind. The existence of a future state was openly denied, and modes of burial devised for the express purpose of representing to the minds of the people, that death was nothing more than an everlasting sleep; and to complete the whole project, doctrines were publicly circulated under the eye of the government, maintaining that the existence of a supreme God was an idea inconsistent with the liberty of man. And yet a noble earl\* in this debate has lamented, that the French government should have met with any interruption in their laudable efforts for the destruction of despotism and superstition! I trust those expressions were inconsiderately used. We are not yet sufficiently enlightened in this house to consider an attack against Christianity, and even against the belief and worship of a God, as a laudable effort to destroy superstition. So very little has the noble earl examined this subject, that the most striking feature of this whole system has entirely escaped his observation. It is a circumstance well deserving of attention, that as the anarchy which prevails in France is accompanied by all the evils of despotism, so their atheism bears all the most odious features of superstition. Their enthusiastick worship of those abstract ideas of liberty and equality which they have substituted in the place of God, their bigoted infidelity, their intolerant zeal for the propagation of atheism, and their furious spirit of persecution against every mode of religious worship have not been surpassed, and have seldom been equalled in the most sanguinary periods in which misguided and fanatical superstition has ever disgraced the cause of religion.

But since the noble earl has, it seems, connected these impious proceedings with certain political prin-

\* Lord Wycombe.

ciples, I beg his attention to what I shall now offer on that subject, with the view of showing to the house the intimate alliance between all the parts of the French system, and the various modes in which they all mutually aid and cooperate with each other.

The abbè Sieyes, the author of the original declaration of rights, and one of the committee for framing the constitution of the 10th of August, 1793, in making his solemn abjuration of religion, explains to the convention the cause and the progress of his conversion. He says, "my wishes have long desired this triumph of reason over superstition. I repeat now what I have always felt, and often declared, that I know no other worship than that of liberty and equality, no other religion than the love of humanity, and of my country. When the vigour of my understanding first cast off the melancholy prejudices by which my youth had been afflicted, at that moment the energy of insurrection entered into my heart. If since that time I have submitted to bear the chains of the church, it has been under the pressure of the same force which equally subjected all free spirits to the chains of the monarchy. The day of the revolution necessarily dissolved all those odious bonds."

In one and the same moment the mind of this great man was touched by the benignant influence of atheism and by the sacred spirit of insurrection, and was at once miraculously relieved from all sense of civil obedience to his king, and of religious duty to his God. Never was so comprehensive a system unfolded to the world by an exposition so clear, so unequivocal, and so compendious. The noble earl and the house may learn from these few words, whether it was superstition or religion, despotism or monarchy, against which the violence of the jacobin faction was levelled, and why they thought atheism the most secure foundation on which a revolutionary government could be established.

Such were the proceedings by which the abolition of religion was attempted in France; but for the honour of human nature, they did not answer the



expectations of those who had digested the plan, and had been most active in providing the means for its execution. Disciplined in crimes, and accustomed to every scene of rapine, injustice, and cruelty, the people of France could not yet be induced to renounce for ever the consolations of religion. The provinces almost without exception were scandalized at the audacious profligacy of the government, and even at Paris the strongest symptoms of the same sentiment appeared. Robespierre himself was alarmed; and the jacobin club thought it prudent to declare, that under all the existing circumstances they admitted the idea of a God. Apprehensions were entertained that the salutary movement of terror might take a new direction, and that the order of the day might be enforced against the government itself. At length, amidst the discontents of the people, who claimed aloud the free exercise of religious worship guarantied to them by the constitution, after many struggles and many unsuccessful evasions, slow, and reluctant, and ambiguous, forth comes the repentance of the convention! Even in their repentance they still betray their affection for their crime, and their eager hope of renewing it under more propitious circumstances. They are compelled to tolerate religious worship, and to forbid the repetition of those violences, which had been exercised to crush it in every part of the country; but in the same decree they declare, that they do not mean “to furnish a pretext for the disturbance of patriots, or to check the aspiring flight of the publick mind; they invite citizens to abstain from all religious discussions, and to employ themselves wholly in the contemplation of the good of their country.” Upon farther reflection they add, “that they do not mean to disapprove of the measures taken by their commissioners in the several departments, *to aid the people in the destruction of fanaticism.*” This last resolution sanctions the imprisonment and proscription of the clergy, the shutting up and subsequent profanation of churches of all religions, the arts and menaces employed to induce

catholicks and protestants to abjure christianity, the establishment of new forms of burial, in which the existence of a future state is solemnly denied, and all the acts of oppression and impiety which I have detailed to the house. Thus their very repentance furnishes the most incontestable proof of the real scope of their original design, of the extent to which it had been carried in practice, and of their future intentions, if by time and assiduity they shall be able to eradicate from the publick mind that natural instinct which proved an insuperable obstacle to the success of their first attempt. Having thus endeavoured to justify themselves in the eyes of France, they felt that a government, which openly overturned the fundamental principles of all religion, must become an object of alarm and abhorrence to every foreign nation. Their next step therefore was to endeavour to vindicate their conduct to all Europe; and with that view Robespierre drew up an answer (as he styles it,) to the manifestoes of all kings, in which he refutes in the most triumphant manner the charge of irreligion which had been alleged against the revolutionary government. He says, "We are accused of "having declared war against heaven itself. But what people ever offered a more pure worship to a Supreme Being? The death-warrant of tyrants lay dormant and forgotten in the timid breasts of men; we called it forth; we executed it. To punish kings is to honour God." Here, then, is their creed publicly proclaimed in the face of all Europe. In the murder of their innocent king is comprised the whole principle and practice of their religion, their sole profession of faith, and their established mode of worship: a profession of faith, and a mode of worship worthy only of those who have placed the bust of Marat on the altar of God!

To return to the observations which have led me to this digression, I must remark, that while the detestable project of abolishing religion has failed of its proposed effect upon the minds of the people, it does not appear to have been much more successful as a



measure of revenue ; there is every reason to believe that it has not been productive of any considerable resource. Although the churches were plundered of all the articles of value which could be found in them, yet, when it is recollected that many of the richest ornaments of the churches had been sent into the publick treasury previous to the 10th of August 1792, under the name of patriotick gifts, a large deduction must be made from what might have been supposed to be the amount of this resource. In addition to this circumstance Cambon states, that little or none of the church plate had reached the publick treasury, having been pillaged by those whose zeal had been the most forward in promoting the worship of reason, truth, *probity*, and the nation. In all probability, the principal financial advantage of this measure is to be found in the reduction of the salaries of the clergy.

I will now recapitulate the leading branches of the revenue of the revolutionary government for the present year. The tax upon all yearly income below the value of four hundred pounds, and the seizure of all yearly income above that sum, including a tax upon the funds, upon commercial capital of every description, upon private debts, and upon all money not laid out at interest ; arbitrary local loans levied upon the egotism of property, and the malevolence of wealth. Taxes raised by incompetent authority. The confiscation of all concealed property, and the abolition of religion. To this list might be added the revenue arising from their system of criminal justice, from their violations of personal freedom, and collaterally, from their regulations for the destruction of agriculture and commerce, and for the maintenance of their army : these will be more properly considered under their distinct heads. Various accounts have been given of the sum in specie brought into the treasury by these exactions. It has been asserted to be fifteen millions sterling. Even admitting the truth of such a rumour, when we compare this sum with a monthly expenditure of eighteen mil-

lions\* sterling, it will appear inconsiderable. And it must not be forgotten, that the means, which have been employed to procure it, are by the convention itself admitted to be of a nature not to be renewed.†

I now come to mention the regulations of this government respecting agriculture, commerce, and internal trade, which are nearly connected both in principle and effect with their system of revenue : a few examples will be sufficient to give you an idea of the spirit of the whole. The depreciation of assignats, and the general distress of the country having greatly raised the price of all the necessaries of life, the expense of maintaining the military force became so heavy, that the government was compelled to resort to something beyond the extraordinary projects of revenue, which I have enumerated. The price of the articles, which may be classed under the head of necessaries of life in France, was upon an average about two thirds higher in the year 1793, than it had been in the year 1790 ; in many cases the increase was infinitely greater ;\* the price of la-

\* By an account laid before the convention, on the 10th of January, 1794, it appears, that notwithstanding all the extortion, fraud, and outrage committed for the purpose of obtaining revenue, the deficiency between the receipt and expenditure of the month of Frimaire ending the 20th of December 1793, was no less a sum than 275 millions of livres ; a deficiency of eleven millions sterling between the receipt and expenditure of a single month ! Paper was actually created and issued in that one month to this enormous amount.

† The French minister of finance has boasted that his assignats were at par ; but the laws which have been passed for punishing with long imprisonment any person who takes, gives, or offers assignats under par, and the laws for preventing the circulation of specie, and compelling every man to declare the quantity in his possession, sufficiently account for this circumstance.

\* In the month of August last, woollens had risen about two thirds ; linens, cent. per cent ; leather and shoes about 80 per cent. ; soap and candles two thirds ; sugar from 30 sols per



hour of every kind had risen in the same proportion. On the 29th of September the convention passed a decree to the following effect: "all articles enumerated† are to be sold at fixed prices, one third above the current price in 1790. All persons who shall buy or sell any of the articles enumerated at a price above the fixed price, shall pay double the value of the articles so bought or sold; their names shall be inserted in the list of suspected persons, and they shall be treated accordingly. All wages, salaries and daily hire to labourers or mechanicks shall be fixed at the same rate as in the year 1790, with the addition of one half of the current price at that time. The municipalities may put into a state of requisition, and punish according to the case with three days imprisonment, any workman, mechanick, or labourer who shall refuse to work at the reduced prices. All existing contracts for the publick service are subjected to this law, and the contractors compelled to supply government at the reduced prices notwithstanding the stipulation in their contracts; articles actually deli-

lb. to 5 livres 10 sols, and in the provinces 10 livres. In all the provinces the distress was much greater than at Paris, which city under a particular law has been for some time past supplied by exactions from the neighbouring country.

† Articles of which the price is fixed by the law of the maximum.

Fresh meat,	Salt meat and bacon	Linen
Sweet oil	Cattle	Butter
Wine	Brandy	Salt fish
Cyder	Beer	Vinegar
Charcoal	Coal	Wood for fuel
Woollens	Train oil	Tallow candles
Pearl ashes	Sugar	Salt
Paper	Leather	Honey
Brass	Lead	Iron
Copper	Hemp	Steel
Woollen stuffs	Kelp	Flax
Cole and Rape seed		

All raw materials of manufacture.

Wooden shoes, leather shoes, snuff.

vered or despatched to the place of their destination, at the time of the decree, alone excepted."

It is not difficult to conceive the effect of this law, which compelled every merchant, tradesman, and shopkeeper, who must have purchased the enumerated articles at the high price of 1793, to sell them at the low price fixed by the convention. The necessary and immediate consequence was the ruin of every person on whom the law was executed. None could escape but those, who, having goods on hand not of a perishable nature, shut up their shops and warehouses in expectation of better times. In this state of things, a supplementary law was proposed with two professed views which are singularly combined, to relieve the sufferers under the former law, and to compel a more exact and rigorous execution of its principle. It was introduced by a report from Barrere in the name of the committee of publick welfare, which deserves particular notice, because it contains the general maxims of agriculture and commerce, from which are derived all the decrees of the national convention relating to those important branches of political economy.

The report opens with a severe complaint in the name of liberty against agriculture and commerce :—"Liberty in establishing herself upon the French territory reposed with pleasure in the arms of agriculture and of commerce.

"But what has agriculture done for liberty? Agriculture has only sought to increase her own profits, to calculate her own advantages, and to raise the price of all the necessaries of life.

"What has commerce done for liberty? Commerce has wasted the sources of internal circulation by clandestine exportations; commerce has neglected with a sort of counter-revolutionary peevishness every species of manufacture and useful art. The avarice of commerce is become the accomplice of despotism. We might be inclined to think that commerce is a monarchical slave unworthy of liberty, if we did not know the cause of this misconduct; the mercantile



government of England has raised against us the commercial interest of the whole world, and among the rest, even the commercial interest of France."

The report proceeds to state that the law for fixing the price of the necessities of life, or (as it is called) the law of the maximum, had not been executed in many parts of the republick, and that the law itself was inadequate in its provisions.

"The law of the maximum ought to have embraced the whole system of commerce from the grower who furnishes the raw material, down to the retail merchant, who sells the manufactured article to each citizen for his daily wants. The law of the maximum ought to extend over the whole of the useful chain of growers, labourers, manufacturers, mechanics, wholesale and retail merchants. The effect of this would have been, to envelop commerce on all sides, to invest it (if such an expression may be used) with the popular interests, by pursuing it from its very source to its last and most imperceptible ramification. This would have been the true way to force commerce to become useful and beneficial. Commerce, in other countries so useful, so beneficial, so necessary, is become in this revolution of liberty a sort of avaricious tyrant, whom, to render serviceable, we have been obliged to enslave." The report concludes with an argument to prove that the "sans culottes alone, who have suffered under the operation of the law of the maximum, were deserving of any relief, because the wholesale merchants had sufficient means of indemnifying themselves by stock-jobbing and other similar practices."

These opinions of the committee of publick welfare have no doubt astonished the house, accustomed to cherish the interests of agriculture and of commerce, as being essential to the happiness of the people, and to the opulence and strength of the empire. But let us examine the decree which followed this report, and see how far the practice of this government surpasses its theory.

The decree allows five per cent. profit to the whole sale dealer, and ten per cent. profit to the retailer of the articles enumerated in the former law over and above the price fixed by that law. It then proceeds to enact the two following regulations :

1. " The convention, wishing to administer relief to the poorer class of the people, decrees that an indemnity shall be granted to those merchants or manufacturers, who can give satisfactory proof of their entire ruin under the operation of the law of the maximum, or who shall be reduced to a fortune of less than 400l. capital.

2. " The manufacturers and wholesale dealers who, since the law of the maximum, have quitted, or shall quit their manufactories or trade, shall be treated as suspected persons."

Thus then it is directly admitted, that the former law had already occasioned the ruin of many persons affected by it, although the interval between the passing of the two laws was little more than a month.\* But the persons, to whom relief is to be given by the second law, are only those who can give *satisfactory proof of their entire ruin*; or whose fortunes have been reduced to a republican level. Whatever may have been the property of any merchant or manufacturer injured by the law of the maximum, no indemnity is to be granted to any sufferer whose capital has not been reduced below the sum of 400l. By what scale the revolutionary government has measured the ruin of its subjects, it is not very easy to understand. An opulent merchant or manufacturer in any other country, who by the sudden effect of a single law should find his commercial capital reduced to a sum of 400l. would be thought in a situation to *give satisfactory proof of his entire ruin*. But as in the law of the forced loan, the fundamental principle of the calculation was, that the income of every man in France should be reduced to one hundred and eighty pounds;

\* The law of the maximum passed on the 29th of September, the supplementary law on the 1st of November.



so the law of the maximum seems to have pursued the same doctrine of equality, and to have decided, that no individual should possess a commercial capital of more than four hundred pounds.

The second regulation is perhaps the most grievous act of injustice and oppression that ever was enforced against the interests of commerce. To compel subjects by an act of power to exercise any particular branch of trade, is always both unjust and impolitic; but it was reserved for the revolutionary government, first to render particular branches of trade ruinous to those who were actually engaged in them, and then to compel the same persons to pursue those ruinous branches of trade, and to imprison every man who should endeavour to save his property from that destruction, of which he already felt the approaches.

The first effect of such violence would undoubtedly be, to transfer all the articles affected by the law into the hands of the government, and to facilitate for a time the supply of Paris and of the armies. But it is evident that the reproduction of the same articles within the country would immediately receive a severe check, and that no man would purchase them from foreigners in order to sell them again at a considerable loss. The certain consequence of this measure must therefore be, to annihilate the stock of all the necessities of life in France, and to hasten the moment when it will become impossible for the government, either to subsist the people at home, or even to maintain an army upon the frontier.\*

Previous to the passing of this law, the price of corn, grain, and flower had been fixed by a special de-

\* In a letter published, from Lyons, are these words :

“ We have neither grain, coals, wood, nor provisions of any kind. The tax called maximum was published on Saturday, which was in fact, to inform the peasants to bring nothing to market. The women rose up against them, and menaced them with the armed force. The peasants for six leagues round, keep back all eatables. They sound the tocsin when buyers approach them and treat them as monopolizers, rob and assassinate them.”

ere; and I have already observed that the whole crop of every farmer under a fundamental article of the constitution of the revolutionary government was to be at the discretion of the committee of publick welfare, and of their agents in the several departments. This leads me to observe upon certain general rights with respect to the produce of the soil, and to articles of ordinary consumption claimed by the government as arising out of the revolutionary state of the republick.

The first is the right of preemption. In the report upon the law of the maximum Barrere says, "that the law of preemption renders the government proprietor, for the time, of every thing which commerce, industry, or agriculture have produced from the soil, or imported into the territory of France." It is impossible to hear this doctrine without remarking the intimate connexion between the principles of anarchy on which the revolutionary government was founded, and the principles of despotism by which it is maintained. From the sovereignty of the people, and the natural equality of mankind the government deduces its right to the produce of the whole soil of France, and to the whole property of every individual in the republick; a right, which is the very essence of despotism, and which has hitherto been considered as the characteristick mark by which arbitrary government was to be distinguished from limited power. Under this right, so broadly laid down, the committee of publick welfare affects to claim nothing more than a preference in the purchase of whatever articles may be required by their agents for publick use: but I have shown already, that by the law of the maximum they have exercised the power of fixing an arbitrary price upon all such articles.

The right of requisition is derived from that which I have last described. Under the right of requisition the officers of government are empowered to require from every man in the country not only whatever part of his property of any description they may choose to declare necessary for the publick use, but also his



manual labour, and his personal service; and while this arbitrary requisition remains in force, no man can dispose of his labour to any other purchaser or employer than the officers employed by the ruling faction. You have seen that by the law of the maximum, there is a power of imprisoning every workman or daylabourer who shall attempt to evade this requisition. If any person shall make an incorrect declaration of property which has been put into a state of requisition, the government derives from that circumstance a further right, which is called the right of PREHENSION:\* under this they immediately seize his goods, and sell them by auction to the profit of the publick treasury. The vexations practised against farmers, who have not given in satisfactory accounts of their crop, or who have ventured to sell any part of it in compliance with the urgent demands of their neighbours, are innumerable; and the same violence has been used against every person engaged in trade of any kind.

Out of these extraordinary rights arises as extraordinary a crime, which is called the *crime of monopoly*, and which is usually imputed to the class of merchants and wealthy farmers, or in general to those who are termed egotists, according to the definition which I have already given of that word.

A monopolist is the possessor of any quantity of the necessaries of life, beyond the exigency of his daily subsistence. Every man therefore, whose circumstances are at all above indigence, is liable to the charge of monopoly. Whoever happens to have laid

\* The right of prehension is explained by the following articles in a decree of the convention. "Ordered, 1st. That the committee of subsistence and supply shall exercise the right of prehension in the course of the present day, and accordingly shall collect together all the shoes now lying or being in any magazine, warehouse, manufactory, or shop whatsoever.

2d. "All such shoes shall be sent within twenty-four hours to the armies of the republick.

3d. "The popular societies and the different sections are invited to direct the generosity of the citizens towards civick gifts of shoes."

up any quantity of the articles which the government think fit to require for their service, is also deemed a monopolist. Thus every farmer whose barns and granaries are not empty, every merchant and tradesman whose warehouse or shop is not entirely unprovided with goods must be subject to the charge of monopoly.\* This crime is punished differently according to the enormity of the case. In some instances the punishment is imprisonment attended with forfeiture of property ; but it is much more frequently death.

With such theoretical maxims, and with such a practical system, the convention might reasonably have expected to find both agriculture and commerce in that state of "counter-revolutionary peevishness," which should suspend every manufacture, every useful art of industry, and every honest pursuit of skill or labour. They need not have sought in the influence of the mercantile government of England (as they term it) an effect, which is the natural and inevitable result of their own violence and oppression. But conclusions of more importance to our present deliberation may be drawn from this detail. I have shown already, that by the forced loan, they have effectually checked the progressive increase of commercial capital. By the law of the maximum with its supplement they have gone a step further, and have directly seized the whole commercial stock of the country for the service of the current year. I have shown already that according to their own statements and to the very nature of things their extraordinary expedients of finance cannot be renewed with

\* An idea of the nature of the crime of monopoly may be formed from a few particular instances : a wine merchant is denounced for having two thousand bottles of wine in his cellars ; he is imprisoned, and they are put into a state of *prehen-sion* for the publick use. A female citizen is denounced for having a large stock of sugar and coffee in her possession : the agents of government order it to be put into *circulation*, and accordingly it is sold by auction for the profit of the treasury, and she is sent to the prison of St. Pelagie.



any prospect of success. It is equally evident, that their regulations respecting agriculture and internal commerce cannot be continued without exhausting the country of the necessaries of life. The rapid operation of every part of this system may be seen in the effect of the law of the maximum, which had not passed more than a month, when (as Barrere states) it had entirely ruined all those upon whom it had been effectually executed, and had increased the difficulty of procuring the very articles, the price of which it was intended to reduce.

With respect to foreign commerce it may be considered as nearly annihilated. The exportation of all the articles enumerated in the law of the maximum (in which are included all the principal articles of the French export trade) is absolutely prohibited. Whatever foreign commerce now exists is carried on exclusively by the government for the purpose of supplying the armies, and of postponing that distress for the means of subsistence, which now threatens every part of France. When we recollect, that one third of the total collective income of the individuals of France is stated to arise from commerce, we may judge what a blow has been given to the resources of the government by the entire destruction of the interests of commerce both internal and foreign.

Such is the system established upon the ruins of every right of property and of every foundation of general opulence, by which the revolutionary government have hitherto procured their revenue, and maintained and supplied their numerous armies.

It remains to be considered by what applications of terror this system has been enforced.

Among the most sacred rights of a free people and the most essential maxims of justice are the right of personal freedom, and the maxim, that no person should be punished without being heard. These rights were guarantied to the people of France by the constitution of the 10th of August 1793. In defiance, however, of that constitution arbitrary im-

prisonment and punishment upon mere suspicion, the most vexatious and odious instruments of despotick power, have been employed by the revolutionary government with a violence surpassing all that is recorded of the most rigorous tyrannies that have ever afflicted mankind. They have formally and openly abolished every trace of personal liberty in France by a single law, which requires no other comment than the proceedings of the convention itself. Barrere, in a report from the committee of publick welfare, explains the principle and object of this law. He says : " The quality of mercy is the first sacrifice which a good republican owes to his country. In order to preserve the revolutionary vigour of the government, an institution terrible indeed, but necessary, an institution which has been the salvation of France, has been disseminated throughout all the sections and all the municipalities : I mean the law for the arrest of suspected persons. The keen and piercing eye of jealous liberty has been fixed upon every citizen, has penetrated into every family, and pervaded every habitation.

" Publick opinion, which is formed upon the review of innumerable transactions of various kinds, which have passed at all the periods of the revolution from its commencement down to the present time, publick opinion has marked out the persons who ought to be suspected, and they have accordingly fallen under the severity of the law.

" Birth, prejudices of pride, and habits of aristocracy have branded every remnant of the *gentry of France* as a just object of suspicion.

" The useless if not dangerous nature of their occupation, their illicit gains, their confidential concern in the pecuniary affairs of foreigners are sufficient grounds for the arrest of the *whole class of bankers*.

" Their cruel speculations, their contempt for assignats, their sordid attachment to their own interest have estranged *all merchants* from their fellow-citizens : they therefore form another class of suspected persons.



“The relations of emigrants, those who have aided them in their escape, those whom nature and the ties of blood have made the necessary accomplices of all their sentiments of hatred or affection, all these are equally obnoxious to suspicion.

“*All the clergy* who have refused the constitutional oath, and who think that all is lost because *their trade is become useless*; all the *ancient magistrates*, all those who have been bred to the profession of the law, are destined by their habits and interests to *people* the publick prisons. These are the classes of society which are sentenced at once without being heard; these are the professions which carry their condemnation with them; these are the natural connexions of parentage and affection which it is the duty of the law to strike without trial and without mercy. Let us banish all compassion from our bosoms? Oh what innumerable mischiefs may be produced by a false sentiment of pity! Shall not a few slaves of monarchy sacrifice some moments of their useless and inactive liberty for the salvation of the republick? They shall be taught to love liberty by suffering a long confinement. This is true humanity; for this is the only speedy and effectual method of finishing all our calamities, of completing the revolution, and of establishing the republick on an immovable foundation. Thus, this great and free republick shall draw new strength and vigour not only from the number of her defenders on the frontier, but from the number of her enemies imprisoned within her bosom; and the liberty of the people shall grow and flourish amidst crowded camps and overflowing jails.” I have quoted this passionate invective against mercy and justice, for the purpose of apprizing you of the general ideas of the legislators of France upon the subject of personal liberty. I will now read to you the law which passed on the 17th of September.

“1. Immediately after the publication of the present decree all suspected persons, who shall be found within the territory of the republick, and who are yet at large, shall be put into a state of arrest.

“ Those shall be deemed suspected persons ;

“ 2. Who by their connexions or relationship, by their discourses or writings, have shown themselves to be partisans of tyranny and federalism, and enemies of liberty. 3. Who have no visible means of subsistence, or who cannot prove the discharge of their civick duties. 4. Those to whom certificates of civism have been refused. 5. Publick officers dismissed or suspended by the convention. 6. Such of the nobility, husbands, wives, fathers, mothers, sons, and daughters, brothers, or sisters, or agents of the emigrants, as have not constantly manifested their attachment to the revolution. 7. Those who have emigrated between July 1st, 1789, and the publication of the law of the 8th of April, 1792, although they may have returned into France within or before the period prescribed by that law. 8. The committees of superintendence, or the revolutionary committees appointed in their stead by the convention or by its commissioners in the several departments are to make lists of all the suspected persons within the limits of their respective jurisdictions, to issue warrants of arrest, and to seal up their papers. 9. Arrested persons are to be permitted to take such part of their furniture into prison with them as may be of absolute necessity. 10. They are to defray the expense of their guard. 11. Civil and criminal tribunals may detain as suspected persons those whose indictments have been thrown out by the juries of accusation previous to trial, and those who shall have stood their trial and have been *acquitted*.”

In addition to these precise definitions of suspected persons, by the fourth article of the law, all those to whom certificates of civism shall have been refused, are included within that description. The certificates of civism are granted or refused at Paris at the discretion of the municipality ; and on the 10th of October 1793, “ the *procureur* of the commons of Paris reports to the council general, the characteristic marks and signs by which the council may recognise suspected persons, and those to whom certi-



ficates of civism ought to be refused." These characteristick marks and signs include so large a description of persons, that if a similar regulation were to be enforced in any country or in any assembly, it is difficult to imagine any possible case which might not be brought under some one of the articles of this exposition of the law. For, sir, you will observe that all persons are suspected and arrested,

" 1. Who check the energy of the people, and embarrass the proceedings of popular assemblies by artful speeches, turbulent cries, and menaces.

" 2. All those who with more prudence talk mysteriously of the calamities of the country, lament the condition of the people, and are always ready to spread bad news with an affectation of regret.

" 3. Those who change their language and conduct according to events.

" 4. Those who pity the greedy farmers and merchants, against whom the law is compelled to take effectual measures.

" 5. Those who talk of liberty, but visit the late nobility, the counter-revolutionary clergy, the aristocracy, the Feuillants, and the moderates, and appear to take an interest in their fate.

" 6. Those who have taken no active part in the revolution, and who plead in their exculpation the payment of taxes, or of patriotick gifts, or their services either in person or by substitute in the national guard.

" 7.\* Those who have received the republican constitution with indifference, and have declared false apprehensions respecting its duration and establishment.

" 8. Those who have done nothing for or against liberty.

" 9. Those who neglect their attendance in the popular assemblies under pretence of being unable

\* The constitution had actually been suspended when these resolutions passed.

to speak in publick, or of being engaged in the care of their own affairs.

“ 10. Those who speak with contempt of the established authorities, of the emblems of the law, of the popular assemblies, or of the defenders of liberty.”†

All these, sir, are suspected, committed to safe custody, and to be detained in prison until the peace.

By the last article of the law a class of persons is included, very inconsiderable indeed in number, but which one might suppose to be exempt from suspicion even under all the vigilance and jealousy of a revolutionary government; I mean those who have been acquitted by the previous jury of accusation, or have been declared innocent after a regular and solemn trial. By reference to the daily lists which are published of criminals condemned or acquitted by the revolutionary tribunals, I find that far the greater proportion of the very few who have the fortune to escape death is detained in prison on grounds of suspicion at the mere requisition of the publick accuser. This is the perfection of tyranny. It is not enough to deprive men of their liberty without alleging any specifick crime against them, or without admitting them to a hearing; but even after they have been heard and declared innocent, they are still subjected to penalties which belong only to convicted guilt.

By different laws and regulations several other classes have been added to the list of suspected persons; such as those who disobey the requisitions laid on their property; those labourers or workmen who disobey the requisitions laid on their manual labour; those who have shut up their shops or warehouses on

† It appears that the virtue of civism has never been accurately defined, although the want of it subjects men to the loss of their liberty. One instance will serve to show the manner in which certificates of civism are granted and refused at Paris: a certificate of civism was refused to Palissot a dramatick author, for having ridiculed J. J. Rousseau in a comedy; it was granted to him some time after, on his proving that he had praised Rousseau in other works.



account of the reduced price of goods under the law of the maximum; and lastly, *those who keep the day, heretofore called Sunday*. These laws were executed with such activity, that not only the prisons were soon crowded with suspected persons, but the churches and deserted palaces of the nobility and of the princes of the blood were converted to the same useful purpose. On the 15th of September previous to the passing of the law the total number of prisoners confined at Paris was 2020. At the latter end of December it was 5000, and notwithstanding the number of executions, it is still rapidly increasing.\* This unparalleled oppression has been extended with at least equal severity over all the provinces; the letters from the commissioners of the convention are filled with expressions of self applause and of congratulation to the convention upon the increasing number of state prisoners in the several departments.

One of the commissioners writes in the most triumphant tone from Rochefort: "The empire of liberty is established; the prisons begin to fill in every part of this neighbourhood."

Dumont, commissioner from the convention in the departments of La Somme and Pas de Calais, informs that assembly, "that he had harangued the people at Peronne with a dagger in one hand and a torch in the other, and had threatened to declare the whole town in a state of rebellion, if all the people did not aid him in the arrest of suspected persons; and that at Boulogne he had caused the suspected persons arrested in that town to be brought before him in *forty-four carts* on their way to their respective prisons." This letter furnishes us with some idea of the numbers who have been deprived of their liberty in the provinces. Camille Desmoulins, a person well acquainted with the secrets of the revolutionary government, calculates that the total number of suspected persons arrested

\* Within the last month the increase in the number of prisoners at Paris has been above eight hundred.

all over France between the 17th of September 1793 and the beginning of January 1794 was not less than two hundred thousand ; and his statement, which appears consistent with the general circumstances of the case, has never been contradicted, although he has since fallen into disgrace with his party, on account of the freedom of his animadversions upon their conduct.

The unfortunate persons thus confined receive such a treatment as might be expected from the despicable character of the jacobin faction. The tyranny exercised under the orders of Robespierre and his associates has uniformly been as minute and unmanly in every studious refinement of cruelty and vexation by which the sufferings of helpless individuals could be aggravated, as it has been audacious and violent in the subversion of all the most important rights and in the destruction of all the most valuable interests of the collective body of the people. A single circumstance will illustrate this observation.

On the 16th of November, Levasseur a member of the convention enters that assembly in great heat. He says : " I am just returned from Chantilly, heretofore, in times of slavery, the palace of the family of Condé, but now, under the reign of liberty, converted into a prison-house for the detention of suspected persons. I saw the kitchen of those arrested *gentlemen*, and I was scandalized at the preparations making for their entertainment. It would seem that those *gentlemen* not expecting to live long, were determined to make the most of their time. All the eggs, butter, sugar, and coffee in the neighbourhood had been forestalled and monopolized for the use of those *gentlemen*. I immediately represented this enormous abuse to the revolutionary committee of the village ; the whole committee shared my just indignation, and we concerted measures together for a radical reform of this abominable luxury. We ordered that for the future the food of those *gentlemen* should be of the most ordinary kind ; that no distinction of persons should be observed ; and that all the prisoners of whatever quality or description, should be put upon



the same common and fraternal regimen. The convention approves this republican order, and decrees, "that the food of the persons detained in the different prison-houses shall be frugal, and the same for all; the rich paying for the poor." In consequence of this decree suspected persons are compelled to eat with their servants, and their property is indiscriminately applied to defray the common expenses of the whole prison. On the 20th of December, when (to use the words of Barrère) the jealous eye of liberty had penetrated into every family, and pervaded every habitation, when the inflexible severity and the indefatigable activity of the delegates of freedom had "peopled" the dungeons of every prison, a humble petition was presented at the bar of the convention by several women the relations, the wives, the children, and the parents of persons confined upon suspicion, imploring that they might be brought to trial, if any crime could be imputed to their charge, or if not, that they might be restored to the enjoyment of liberty, the common right of all who have not transgressed the law. The petitioners were sharply reprimanded by the president, who told them, "that the convention had been too merciful, that it had departed from the ancient models of republican severity, for that in all the republics of antiquity suspected persons were not merely imprisoned, but put to death."

However, a new decree is proposed by Robespierre in a speech, in which he also animadverts upon the misconduct of those incivick women, who could listen to the voice of nature and to the cry of blood when the liberty of their country was at stake. The decree enacts, "that a secret commission consisting of two members of the committees of publick welfare and of general safety shall be appointed to consider of the means of restoring to liberty any patriots, who by accident may have been imprisoned with the aristocrats. The commissioners are to exercise their functions with all *necessary severity*, and are to be *peculiarly cautious not to enervate the energy of the revolutionary measures*. The names of these commissioners are to

be kept secret from the publick, *in order to avoid the danger of solicitations*; and they are to discharge no person from prison without the authority of the two committees of publick welfare and of general safety."

On the 26th of December, Barrère makes the humane report which I have already quoted to the house; and he moves in the name of the committee of publick welfare that five members, in place of two, should be appointed for the same purpose, should assemble twice every day, and should decide summarily on all cases of arrest, without reference to the committees. In other respects Barrère's decree is perfectly conformable to the spirit of Robespierre's: neither the secrecy of the commission, nor the recommendation of severity being in any degree altered. But even this decree appears too mild not only to Robespierre, but to the majority of the convention. Robespierre objects to it, as being of the most dangerous tendency, and quite contrary to the spirit of that which had already passed in consequence of his own motion. He says, "it would be a great prejudice to the state to absorb the energy of five members of the convention, by employing them in deciding upon the innumerable complaints which they would receive from all parts of the republick, where all the prisons were filled with persons arrested on grounds of suspicion. His own plan was more simple, and without any inconvenience; it did not require that so large a portion of the convention should be exclusively occupied by the complaints of prisoners. Two members *in their leisure moments whenever circumstances might happen to permit without exposing themselves to importunity* might have discovered the small number of patriots, who perhaps might be found in confinement with the aristocrats. By this plan the committee of general safety would not have wasted, in listening to the solicitations of bad citizens, *that time so precious to the cause of liberty*." He adds, "that the new decree is dangerous, because, under favour of it, liberty might possibly be granted to some aristocrats." What then was to be done between



these contending motions? The convention is embarrassed; they perceive at last that their embarrassment arises from an excess of mistaken clemency in their first proceeding; they immediately resume the severity of true republicans; they repeal the decree of Robespierre, reject the motion of Barrère, and refer the unfortunate petitioners to those very committees of whose tyranny they complained.

Since this proceeding it appears that the convention has endeavoured to draw a revenue from these arbitrary imprisonments.

A proposition has been referred to the committee of publick safety on the motion of Danton, for the confiscation of the property of all suspected persons; and the property of all parents of emigrants under detention has been confiscated provisionally, until they can give proof that they have done their utmost to prevent the emigration of their children.

If the people of France are animated by an enthusiastick zeal for liberty, what must be their temper of mind, when they constantly behold the miserable spectacle of 200,000 persons arrested upon no specific charge, condemned without trial, and deprived of the inestimable blessings of personal freedom upon the vague and equivocal suggestions of indefinite suspicion? The specious title of a free, united, and indivisible republick cannot deceive a great nation suffering under the weight of practical oppression, and distracted by the jealous policy of a few men, whose vigilant fears bear a just proportion to their conscious guilt. Unless we can agree with Barrère, that justice executed in mercy is incompatible with the vigour of a well ordered state; that the strength of a free government is in proportion to the number of state prisoners; and that to people the prisons is to give the best pledge of popular liberty, we must conclude, that a large proportion of the people of France at this moment anxiously desires the destruction of the present government, as the only means of rescuing their relations and friends from the miseries of impri-

sonment, as well as of securing themselves against similar oppression.

But these violations of the liberty of the subject will appear as acts of clemency, when compared with the daily murders and massacres which compose that sanguinary and merciless system, entitled by the revolutionary government, the administration of criminal justice.

When Robespierre and his faction began to gain ascendancy in the convention, one of their first measures was, to erect an extraordinary tribunal for the trial of state crimes: a tribunal which might serve them in the first instance to acquire power by the murder of their adversaries, and eventually might enable them to maintain it by similar outrages. The first mention of this dreadful institution struck the convention itself with consternation and horror. Prophecies were uttered, which have since been fulfilled, that this instrument of destruction would soon be turned against the representatives of the people; and Vergniaux, who has since fallen a victim to that relentless tribunal, declared that he and his whole party would prefer death upon the spot to any share in the formation of so formidable an engine of tyranny: but Danton decided the convention. He contended, "that a revolutionary government could not subsist without some representative of the supreme tribunal of the vengeance of the people; that the institution proposed would be a proper substitute for those tribunals which the people had formed in the moment of their ungovernable fury; that the people would not have committed the massacre of the 2d of September, if an extraordinary tribunal had then existed." He concluded with these remarkable words: "We must employ great means to accomplish dreadful ends. We must establish an extraordinary criminal code, and we must seek for its principles beyond the pale of civil society. Let us be terrible ourselves, in order to save the people the necessity of being so." Thus was the extraordinary tribunal created expressly to save the people the labour of



massacre, and to perpetuate by a legal institution and with the authority of the state those scenes of blood, of which even the principal actors in them have never yet ventured to speak openly without the affectation of regret. The favourite principle of the sovereignty of the people (the source of every calamity which they are doomed to suffer) affords an equal facility for the violation of liberty, and for the destruction of life. In conformity to that pernicious doctrine, criminal justice in France now presents the image of the sovereign people employed in the exercise of the combined prerogatives of insurrection and massacre; and is assimilated both in form and spirit to those tribunals of murder which held their session in the prison of the abbey on the memorable night of the 2d of September.

Under the decree constituting the extraordinary tribunal, the judges are named by the authority of the convention, and are removable at pleasure. A permanent jury is named by the convention for each division of the tribunal, and the commission of the jury is nearly of the same nature with that of the judge. The crimes of which this court is to take cognizance are described by the original decree in these general terms.

“Every counter-revolutionary enterprise, every attempt against liberty, equality, the unity and indivisibility of the republick, and the internal or external safety of the state; every conspiracy tending to restore monarchy, or to establish any other authority dangerous to liberty, equality, and the sovereignty of the people.” All these indefinite crimes are punishable with death, and forfeiture of property.

The forms of proceeding are subjected to no restraint or rule. The court is empowered to found its judgments upon any evidence however vague, suspicious, or even from its nature incompetent; or to use the words of Lindet (the person who proposed the original motion) “The judges may satisfy themselves of the guilt of the criminal by every possible means.” The established practice is to interrogate

the prisoner both secretly and privately, and to make use of his own testimony against himself. From this court there is no appeal, excepting the convention should think fit by an arbitrary interposition to overrule its proceedings.

The founders of this tribunal have employed it for the accomplishment of two objects: first, as a party engine to extinguish by violence the spirit of indignation and abhorrence rising in every part of the republick against their crimes; and secondly, as a source of revenue to procure money and goods by the murder of opulent bankers and merchants, and by the confiscation of their property.

With the first view numberless persons have been executed for incivick or counter-revolutionary words, and for discourses, or writings "tending to provoke" the restoration either of monarchy or of any other authority in any degree dangerous to the sovereignty of the jacobin faction. These executions have not been confined to the gentlemen, clergy, or persons of property. Numbers in the inferiour classes of the people have suffered death for mere loose conversation; not only emigrants, but even the family or friends of an emigrant who may have aided and assisted him in escaping from a country, in which he could no longer remain with safety, are punished with death. Many parents, wives, and children of emigrants have been executed, for having obeyed the common dictates of nature by relieving the urgent distresses of their banished relations; and bankers have suffered the same punishment for having in the ordinary course of their business permitted the money of emigrants to pass through their hands. To circulate false news, or to give any impediment by words, or otherwise to the recruiting of the army have been made capital crimes. Under various pretences of plots against the unity and indivisibility of the republick, or of conspiracies for the establishment of some counter-revolutionary authority, all those who had born any distinguished part in the earlier periods of the revolution, together with the whole party of Bris-



sot, and most of the executive council appointed on the 10th of August, 1793, have been publicly executed. In many cases the convention has passed against persons of this description acts of outlawry, under which, whenever they fall into the hands of any criminal tribunal, they are executed without even the form of a trial. Within the course of six or seven months from fifty to sixty general officers have been executed upon various loose and indefinite charges. Brissot says—that if Turenne had commanded the armies of the republick, he would certainly have been condemned by the extraordinary tribunal, for he was not always successful. Every defeat would have exposed him to the suspicion of treachery, and every victory to the imputation of dangerous ambition.

The purpose of obtaining revenue is scarcely attempted to be disguised in many of the sentences passed by these tribunals. By the original decree a power was given of condemning to the punishment of transportation any persons who should be convicted of crimes not previously defined by law, or to which no specifick punishment had already been annexed. And since that time a law has passed for the confiscation of the property of all persons under sentence of transportation. The tribunals also exercise a power of arbitrary fine and imprisonment.

In a letter from the commissioners of the convention at Strasburg are these words. “The revolutionary tribunal which we have established for the judgment of monopolists, stock-jobbers, and merchants who will not submit themselves to the price fixed on the necessaries of life, has already made several useful examples. Many persons have been condemned to pay fines of fifty and a hundred thousand livres (of two or four thousand pounds) and to suffer some years of imprisonment. A few more sentences of this kind are wanting to destroy the desire of gain, which is carried to a scandalous excess

in this commercial town; but the tribunal spares nobody, and the cause of liberty will prosper."

From Bordeaux a regular account was transmitted to the jacobin club of the sums received for the state on account of persons executed, amounting to several millions of livres. The mayor of Bordeaux was beheaded because his brilliant fortune enabled him to attempt to hold an even hand between the two contending factions in that city, and because he had seconded some resolutions of the popular society established there. His brilliant fortune, which was the essence of his crime, was seized for the use of the government at Paris.

An account was given to the jacobins that the execution of two Jews of the name of Rabas at Libourne, had *produced* twenty-three millions of livres (about a million sterling) to the republick. The charge against them was, that they had lent money which was to be employed in raising a force in the departments at the time when the lives of the majority of the convention were threatened at Paris by Marat, Robespierre, and the faction now exercising the powers of government. Innumerable instances of the same kind might be cited, in which persons have been condemned to death under various frivolous pretences, obviously for the purpose of seizing their property. The mere possession of a large property is considered as a crime, and is distinctly stated to be so by Robespierre himself on a remarkable occasion: I mean when he prefers an impeachment in the jacobin club against Anacharsis Clootz, the orator of the human race. He charges *Monsieur* Clootz (as he styles him by way of disgrace on that occasion) with the atrocious crime of possessing five thousand pounds a year. Upon this Monsieur Clootz is expelled from the club, has since been expelled from the assembly, and will probably expiate the sin of being a man of property by the forfeiture of his life and of his estate.

The stock in trade of merchants, as I have already observed in defining the crime of monopoly, is ap-



propriated to the use of the committee of publick welfare, or in their own phrase, put into circulation by the same summary process. With what severity this law is executed we may judge by a remarkable instance, in which the convention graciously extended its mercy to a criminal convicted of monopoly, and was so elated with this distinguished act of clemency, as to express a desire that it might be published throughout all Europe, in order to confound the enemies of France, and to refute the calumnious charges which had been circulated against the justice, humanity, and mildness of the criminal courts instituted by the revolutionary government. Gaudon, a wine merchant, was accused of not having written over his door, according to the directions of the law, the quantity and quality of the wines contained in his cellars. He was condemned to death; but it appeared afterwards, that during his absence from his house, his son had by mistake omitted to place over his father's door the regular declaration of his stock in trade; and upon this the convention pardoned the convict. By the very terms of the pardon it is evident, that every man, who wilfully omits to write over his door the exact amount of his stock in trade, is by law to suffer death.

I cannot attribute to the revolutionary government the merit of invention in this particular branch of their system. The idea of drawing revenue from fictitious crimes is taken from governments which do not seem to furnish the best models of imitation for a republick founded on the natural rights of man: I mean the barbarous tyrannies on the coast of Africa, whose revenue is chiefly drawn from the sacrifice of the liberties and lives of their subjects under the pretence of crimes, imagined merely to serve the purpose of financial resource. Here, again, we may trace the near connexion between despotism and the sovereignty of the people. The sovereign people of France in their mad career of political liberty suffer their principles of revenue to be derived from the very spring and origin of the most odious civil slavery;

and the national treasury under a republican and revolutionary administration exhibits a faithful copy of the slave markets of Dahomey and Whydah.

By adverting more particularly to the conduct of some remarkable trials and to other circumstances, I will endeavour to bring before you the true character of these tribunals, the sanguinary spirit of the judges, and their open violation of all the rules and principles of evidence which have been devised for the protection of innocence by the wisdom, justice, and humanity of free and civilized nations. Previous to the trial of Brissot and the impeached deputies of the convention, Roussillon, one of the permanent jury of the revolutionary tribunal goes to the jacobin club, and having complained that he had not yet enjoyed the satisfaction of beholding those traitors at the feet of the tribunal, assures the club, that whenever they shall be brought to their trial, he will take care that they shall not escape. He is much applauded for the patriotick energy of this declaration. During the trial of the deputies a letter is received by the convention from the judges of the extraordinary tribunal to the following effect: "The deputies whom you have accused have now been five days upon their trial, and only nine witnesses have been examined; every witness delivers a long and circumstantial evidence; the prisoners cross-examine each witness, and afterwards make their observations upon the evidence; this produces a discussion, which is much protracted by the loquacity of the prisoners; this trial will be endless; we have already given you sufficient proofs of our activity and zeal to exempt us from any suspicion of negligence or delay; but our progress is obstructed by certain formalities, which will at once vanish before the authority of the legislature. We all ask ourselves wherefore any witnesses? The convention and the whole people of France accuse the prisoners. The proofs of their crimes are evident. Every man has in his heart the conviction of their guilt."



The embarrassment of the supreme and extraordinary criminal court will no doubt appear to a British house of commons to be such as would require the immediate interference of the legislature. One and twenty men on trial for their lives, and not a man but desires to be heard ! Justice delayed, and in danger of being disappointed by her own vain and idle forms ! But the wisdom of the representatives of a free people came to the relief of these venerable judges ; the convention having consulted the jacobin club, its approved counsellor in all its difficulties and dangers, decreed, that “ whenever any trial should have lasted three days, the judges should call on the jury to declare whether their consciences were sufficiently enlightened to enable them to give a verdict. If the jury should answer in the affirmative, whatever might be the stage of the proceeding, no further testimony or argument should be admitted, and the court should immediately give judgment, as if the prisoner had regularly closed his case. To this decree was added another, declaring that the extraordinary criminal tribunal, should from that moment, change its name, and bear the honourable title of the revolutionary tribunal, and that in conformity to its new title it should judge all crimes of state by a revolutionary process,” or, in other words, without formality and without evidence.

These laws were immediately despatched to the court then sitting in judgment on the deputies. The new regulations were instantly applied to the depending trial ; the evidence was suddenly interrupted ; the prisoners were silenced ; sentence of death was passed upon them ; and they were hurried unheard and undefended to the publick scaffold. The most just objects of the severity of the law, when denied the common privilege of a fair trial and of a free defence, will move the compassion of mankind, and will even in some degree excite the same sentiments, which naturally attend oppressed innocence. Guilty as most of these men were of the murder of their sovereign, guilty as they all were of that wicked conspiracy

which contrived the massacre of the 10th of August, and which produced the massacre of the 2d of September, we yet forget the enormity of their crimes in the undisguised violence of their condemnation, and our indignation is (for a time at least) transferred from the suffering criminal to the murderous judge.

What then shall we say of the pretended trial of the queen, where our attention is withdrawn from all the affecting circumstances of her unexampled situation by the flagrant iniquity of that unmanly exercise of lawless power? Her sex, her exalted dignity, her protracted and unequalled misfortunes are all forgotten in the outrageous perversion of the sacred forms and maxims of criminal jurisprudence. From her first imprisonment to the hour of her murder, while we trace her various sufferings, we feel for the cause of justice itself, a cause inseparably united with the security and happiness of the lowest as well as of the highest ranks of civil society.

The convention, the jacobin club, and all the agents of the government employ every means, both of encouragement and of terrour, to exasperate the ferocity of the judges and juries in the discharge of their dreadful functions. The least delay of judgment against a rich or unpopular criminal produces a ferment in the regenerated popular societies, and among all the instruments of the prevailing faction; while on the other hand every precipitate, corrupt, and sanguinary condemnation is extolled as the perfection of patriotick zeal and the model of republican virtue. The desire of shedding human blood is carried to such a passionate excess, that in the letters of some of the commissioners of the convention, the office of common executioner is represented as an eminent distinction and a primary object of honourable ambition. From Rochefort, Lequinio and Taignelot write a letter to the convention in these words: "Behold another triumph of morality, not over presbyterian mummery (for that exists no longer in this country) but over a prejudice as absurd and as deeply rooted in the



minds of men ! We have formed here a revolutionary tribunal upon the model of that at Paris ; we named of our own authority all the members of the court, excepting that member whose duty it is to close the proceedings, we mean the executioner ; we wished to leave to the patriots of Rochefort the glory of showing themselves the voluntary avengers of the republic ; we signified the vacancy in the tribunal at a full meeting of the popular society ; the citizen Ance cried out with a noble enthusiasm, I am the man who aspires to the honour of beheading the assassins of the country. He had scarcely time to utter these words, when a crowd of other patriots pressed forward to offer themselves for the same office, and they all anxiously solicited to be at least indulged with the favour of being permitted to aid the fortunate candidate in the discharge of his duty. We made proclamation that the patriot Ance had been invested with the honourable office of common executioner, and we invited him to dinner, where we delivered into his hand his warrant of office, and poured a libation over it in honour of the republic ; we think that in a few days the judges will put him in the way of giving a practical proof of his patriotism. To this patriot who has taken upon himself with so much generosity the trouble of executing the sentences of the revolutionary tribunal, we have given the title of avenger of the people ; and to the instrument which delivers us from traitors, that of the justice of the people, this title is inscribed upon the guillotine in large characters."

The zeal of some of these commissioners has carried them even beyond the extravagance of this letter. With a strange mixture of ridiculous phrenzy, of wanton impiety, and of savage cruelty, after having profaned the established symbols of every religion, they have consecrated the instrument of ignominious death, and styling it in their publick despatches, " Our Holy Mother the Guillotine," have thus attributed to it the combined character of parent and tutelary deity of the republic.

The house will judge what must be the administration of criminal justice in France, when the commissioners of the legislature encourage contests, and hold public elections for the office of common executioner, admit the successful candidate to their table, join with him in toasting severity to the judges, and sanctify the axe itself as an object of filial affection and of religious veneration. The spirit and practice of the revolutionary tribunal cannot be better summed up than in the words of Brissot, uttered a few days before his imprisonment. He says: "It is a tribunal arbitrary in its forms, absurd and partial in its proofs, iniquitous in its judgments, and fit to make one regret the bastiles of despotism."

The effusion of blood at Paris has been such, that no less than a thousand executions have taken place there within the course of six months. Yet the vengeance and avarice of the government is so far from being satiated, that the commissioners of police have lately acquainted the municipality of Paris, that the pit which had been appropriated for the burial of the unfortunate victims of the revolutionary tribunal was nearly full, and could not hold above "some sixty" more; they therefore desire immediate authority to dig another in order to prevent any delay of justice. I cannot forbear to remark in this place, that during the whole period when all the power and authority of government in France were exercised by that humane and benevolent prince, whose innocent blood was shed on the scaffold, not one instance is to be found of an execution for a state crime!

But the tribunal at Paris, although subdivided into four sections, could not circulate the salutary movement of terror with sufficient promptitude and effect to the extremities of the republic. The guillotine had long been in a state of permanent activity at Paris; the ingenuity of zealous patriots was now exercised in devising means for propagating the use of this favourite engine of liberty, and various mechanical inventions were proposed with a view to provide portable axes, and ambulatory scaffolds.



A new military force was raised at the expense of persons of property under the title of a revolutionary army, for the express purpose of traversing every department of the republick, and of suppressing every symptom of a counter-revolutionary spirit. To each regiment of this army is attached a corps of light armed judges, and a flying guillotine. I copy their own expressions, and if I appear to treat too lightly proceedings calculated to inspire indignation and horror, you must impute it to the peculiar genius and character of the men of whom I speak, to the wild extravagance of their wickedness, and to the levity which is always mingled with their most atrocious crimes. But the commissioners of the convention in the western departments have found, that even the revolutionary laws were too mild in their nature, and too slow in their execution to accomplish the great objects which were proposed by the institution of the revolutionary army. Accordingly they decreed, that the tribunal attached to their regiment should be both military and revolutionary, and that its sentences should be of a mixed quality, partaking of the principles of martial law, tempered by the mild spirit of that humane code, which was substituted by Danton in place of the fury of the mob. To secure the uniform activity of this amphibious court, it was given out in general orders, that the judges, the publick accuser, the clerk, and other officers of the court should be mounted upon the fleetest horses in the service, and should form a troop of chasseurs, to be united to the establishment of the staff, and to take post near head quarters wherever the army might halt. Thus equipped, Laplanche, one of the commissioners informs the convention that he has named his corps "the Infernal regiment," and that he parades the country with Justice and Clemency at his left hand, and the guillotine at his right: an order of precedency perfectly consistent with the etiquette of a revolutionary government.

It cannot be denied, that this army with its attendant tribunal, uniting all the severity and vigour of

civil and military despotism, is one of the most effectual expedients ever yet invented for extending the influence of tyranny to the remote parts of a great empire, and to every class and description of a numerous people. It is applicable to every purpose of terrou, of plunder, and of revenge. It has in fact been applied to all of them in their turn, and has been the main engine of government for some time past. Its principal duties in the course of its march have been (as you may collect from the different reports made to the convention) to regenerate the municipalities, and to execute the former municipal officers; to collect the revenue, and to superintend the ruin of agriculture and the abolition of commerce; to compel the rich to "disgorge" their wealth; to compel the farmers and tradesmen to sell their stock for one third of its real value; and occasionally to sieze the stock itself, and to murder the proprietor, to lower the price of daylabour, and to force the labourer to work at the reduced price; to break open every private house under pretence of searching for concealed treasure, and by the application of torture, and the terrou of death to extort the whole substance of every opulent farmer, and of every industrious tradesman; to drag all suspected persons to prison, and all declared adversaries of government to the scaffold; to plunder churches of every emblem of christianity, and to suppress the worship of every form and sect of religion. But amongst all the uses to which the revolutionary army is applied, none is more important to the government, none more vexatious and oppressive in its effects on the happiness and welfare of the people, and none more ruinous to the internal prosperity of the country than the duty of enforcing the levies for the army on the frontier. I have already endeavoured to explain the system of exaction and extortion practised for the purpose of procuring the means of paying the armies upon the frontier; I have described its destructive operation upon every species of property, and upon every permanent resource of revenue; I have also stated to you the



violence and rapine employed in order to supply those armies with provisions, with clothing, and with every necessary store. And I have traced the operation of those measures upon the internal trade and cultivation of the country. I shall now show that the evils which attend the raising of this immense military force highly aggravate those by which it is maintained; and that the mere levy of these armies is in itself an oppression of the most grievous nature, and productive of the most pernicious consequences to the interests both of agriculture and commerce.

The law for the requisition of the whole mass of the people, passed at the latter end of August. By this law every man in France, from the age of eighteen to fifty, is compelled to give his personal service in the army at the requisition of the national commissioners. The rigour with which this law was executed will appear from a resolution of the department of Herault sanctioned by the convention, and since converted into a general law. "Every father and mother shall be bound to declare the place of abode of their children summoned by requisition for the service of the army. Every citizen is forbidden to harbour or conceal any persons under requisition. The soldiers of the revolutionary armies are authorized to arrest all persons who shall appear to them to have been put into requisition, and to lodge them in jail if they endeavour to escape. The proper officers are to search every house twice a week, in order to discover any person who may attempt to elude the requisition." To enforce this severe military conscription a law was passed (to which I have already alluded) subjecting any person who shall impede the levy of the army by words or otherwise to the punishment of death. Not only no parent can venture even to advise his children to remain at home, but in most parts of the republick the executioner has been the recruiting serjeant, and the unfortunate peasants and labourers in the provinces, have been compelled to make their option between the perils of battle, and the unerring stroke of the guillotine. Many insur-

rections have happened in the several departments in consequence of this violence, and have been suppressed by the revolutionary armies and their attendant tribunals.

The immediate effect of such a system must be to disturb the happiness of every private family, to involve all the inferiour classes of the people in misery and ruin, to suspend every art of honest industry, and of useful labour, and to expose all who remain in the country to the complicated calamities of indigence and famine. To what degree these evils were expected to operate by the convention itself, we may judge from the measures which have been taken to avert them. Towards the latter end of September a law passed to compel all farmers, manufacturers, or labourers remaining in France, to cultivate the lands of those who were absent on the service of the army. This is the regular course of the revolutionary system, to endeavour to remedy the mischievous consequences of one act of oppression, by committing another. Having torn five hundred thousand men from the bosom of their families, and from the cultivation of the earth, they attempt to supply that loss by the compulsory labour of those who have been rejected from the service of the army; they have recourse to the refuse of their own tyranny; and they rely for the subsistence of France on the miserable remnant of a depressed, impoverished, and dejected people. That an army, raised by such means, should be animated by the enthusiasm of liberty I cannot believe, until I can forget all the circumstances which I have just now described, as well as all the events which have happened in France since the accession of the revolutionary government. That so large a body of men collected together under military discipline and opposed to an enemy may feel a degree of military enthusiasm, is a proposition which I do not mean to contest; but my object has been, in whatever observations I have made on this part of the subject, to direct your attention to the internal state of France, as resulting immediately from the operation of these mili-



tary levies. It is for the wisdom of the house to determine, what must be the condition of that state, whose army is raised by the suspension of agriculture, under the terrour of death, and at the daily hazard of insurrection; paid by the destruction of the rights of property, and by the practice of publick fraud; and supplied by the annihilation of trade, and at the risk of internal famine.

You have now before you the principal features both of the theory and practice of the revolutionary government. Reviewing this unexampled system in all its details, you will find special and effectual provision established for the indiscriminate misery and ruin of every rank and order of society. It contains a principle of impartial persecution, equally applicable, as the occasion may require, to the separate interests of every distinct class and description of the people, from the gentlemen of landed property, and the opulent bankers and merchants, down to the industrious manufacturer and the laborious peasant. Are these the arts of government? Are these the means by which the discordant interests and the contending passions of mankind can be brought to act in concert, and can be directed to the welfare of the community, the end of all political society, and the only solid foundation of power? I speak to an assembly versed in all the great maxims of government, affectionately attached to the genuine principles of liberty, and accustomed to deliberate on whatever can affect the interests of a powerful state, and the happiness of a numerous people. In such an assembly I am persuaded that I should not be contradicted, if I were to contend without any further proof, that a tyranny so constituted and so exercised, must of necessity be odious to the people, and consequently whatever might be its temporary efforts, must rest upon an insecure and uncertain foundation. But I need not rely on general topicks, however justly drawn from the constitution of human affairs, and from the character of man in all situations, and in all ages. The people of France (although hitherto unfortunate in

the attempt) have not tamely submitted to the oppression of this mean and humiliating usurpation. In no less than forty of the departments, a spirit of indignation has broken out against the government; in many the people have taken up arms, and waged open war; in some, they have expressed their discontent by riots and insurrections, by opposing the levies for the army, and by refusing to submit to the confiscation of their incomes and to the plunder of their goods. This spirit has appeared with great strength in all the most opulent commercial towns; but it has not been confined to them; it has been diffused as widely as the oppression which excited it, and its symptoms, varying with opportunities, and with means of exertion, are to be traced in almost every town and village of France. They are to be traced in all those acts of arbitrary power by which the several municipalities have been regenerated, the popular societies purged and purified, and the sense of the people violently suppressed; they are to be traced in all the expeditions of those revolutionary armies and itinerant executioners, who have been embodied for the circulation of the movement of terroure, and who traverse the country with express orders to stifle the rising flame of general revolt.

If we are to believe the testimony of the convention, the object of all these commotions is uniformly the restoration of some species of monarchy. The convention insists that the discontented spirits in France universally look up to some form of royal authority, as the only standard under which all the friends of order and law can reassemble with safety; under which they may all forget their former animosities, reconcile their discordant opinions, and unite in a firm league for the destruction of that despotick anarchy which is their common enemy, and which cannot subsist without producing their common destruction. This spirit may have been oppressed for a time, but it is not extinct. After all the misfortunes which have fallen on those who had the courage to stand foremost in opposition to the plunderers of



their country, after all the scenes of blood which have been acted under the authority of the convention, the agents of their cruelty have been compelled to confess, that although they have gratified their revenge in the massacre of multitudes of their adversaries, they have not been able to subdue the unconquerable "incivism" of the survivors. At Bordeaux, when the popular society had been taken by storm, when the whole town had been disarmed, when three hundred rich merchants had been imprisoned, and when the revolutionary tribunal, seconded by the patriotism of the executioner, had destroyed every distinguished enemy of anarchy, a letter is written to the municipality of Paris, from one of their agents, lamenting, "that after having studied the temper of the publick mind at Bordeaux, he must declare, that not one man in that city had yet reached the exalted level of the revolution. The commissioners of the convention met regularly in the temple of reason on the last day of each decade, chanted hymns in honour of liberty and sound philosophy, and preached sermons worthy of true mountaineers; but they could scarcely collect a congregation."

In other accounts from Bordeaux, it appears that it had been found necessary to regenerate the whole company of actors at the theatre, to secure the performance of revolutionary plays: but even this measure failed of its effect. The actors were changed, but the audience remained the same. The audience could not endure to hear a single revolutionary verse. To use the phrase of the afflicted patriot who reports the transaction, "they hissed all the passages which were most conformable to the order of the day;" and the new mayor (the successour of him who had been regenerated by the guillotine) was obliged to interpose, and to compel by force the free and sovereign people to receive without indignation the homage offered to their sovereignty, and to listen with patience to the panegyrick of their freedom.

Although the convention has repeatedly boasted that the seat of the war in the north-western departments

presented nothing to the view but a heap of ashes bedewed with the blood of the insurgents, although we have often heard of the total extirpation of the army of the royalists, that army has as often risen again, and opposed a vigorous resistance to every force which has yet been employed against it.

Even at Lyons, notwithstanding all the feasts and orgies of murder (for so they were styled by those who celebrated them) the sentiments of the citizens remained unaltered and even undisguised. After having sequestered the property of all who were engaged in the insurrection, and having levied a forced loan upon all who were not, for the express purpose of "defraying the expenses of the necessary demolitions," after the actual demolition of all the most beautiful buildings, the execution of the principal citizens, and (according to their own words) "the complete enfranchisement of the city;" the commissioners of the convention were "astonished at the insensibility of the inhabitants. A sullen silence accompanied every period of the salutary work of regeneration; not one expression of joy was heard for the return of liberty; not one address of thanks or congratulation was presented on an occasion which seemed naturally to call forth every sentiment of gratitude and satisfaction."

The commissioners, however, were not discouraged: they proceeded with increased vigour; concluding that the effusion of human blood had not yet been sufficient to inspire the people with the enthusiasm of true liberty, they now rejected the use of their favourite engine of death, as being wholly inadequate to the prodigious magnitude of their extensive designs. Mixing the instruments of war with the perverted forms of criminal justice, and blending the solemnity of a publick execution with the tumult and slaughter of battle, they accomplished a project of massacre such as never before had been attempted, or even conceived by the most inventive genius in the arts of cruelty. This effort also disappointed their expectations; and they complain, that "the traitors, whom



they had punished, persisted in their treason even to the hour of their execution."

Death in its most formidable shape, attended with every accumulated circumstance of terrour, could not shake the constancy of these brave men. In the face of the executioner, in the very mouths of the cannon pointed against them, they maintained their principles, they avowed their attachments, and in their dying agonies, mingled the expressions of veneration for the memory of their murdered sovereign, and of loyalty to his surviving issue with their last prayers to their insulted God.

The effects of this unprecedented barbarity were not more favourable on the minds of the spectators. Some time after the commencement of the new system of execution, the general of a division of the revolutionary army declares, that "when he entered the city of Lyons, although the inhabitants paid him the compliment of shutting up their houses and shops as he marched before their doors, they demonstrated by the most unequivocal gestures their obstinate adherence to the crimes of those, whose punishment they had beheld." He says, "he met several women dispersed through the streets, and in every face he perceived the expressions of rage and resentment, rather than those of repentance or fear." The commissioners of the convention appear at length absolutely to despair of the complete regeneration of this enfranchised city. In one of their last reports they acknowledge, "that among a hundred and forty thousand inhabitants, they have as yet discovered not more than fifteen hundred exempt from the guilt of rebellion; and they recommend as the last expedient, that all the inhabitants should be banished from Lyons in bodies of twenty or thirty thousand, and settled in some remote part of France. They express a hope that these colonies, when transplanted into a better soil, may bear the fruits of liberty." But where is that happy soil to be found, in which they shall learn to forget the indignities which they have suffered, and the cruelties which they have beheld?

It is observed by a French author,\* that the jacobin faction has increased the number of its enemies, by the very means employed to exterminate them. Massacre will not extinguish popular discontent. Every victim of injustice and cruelty bequeaths his revenge to his connexions, to his friends, and to his relations: or (if all these should be involved in the same common fate with himself) every such execution raises detestation and abhorrence even in the breasts of ordinary spectators, and unites the publick opinion against a government which exists only by the daily practice of robbery and murder.

From this disgusting scene, let us turn our eyes to our own situation. Here the contrast is striking in all its parts—"Here (to use the eloquent language of a distinguished member of this house) we see nothing of the character and genius of arbitrary finance; none of the bold frauds of bankrupt power; none of the wild struggles and plunges of despotism in distress; no lopping off from the capital of debt; no suspension of interest; no robbery under the name of loan; no raising the value, no debasing the substance of the coin.†"

Here we behold publick credit of every description flourishing under all the disadvantages of a general war; an ample revenue, flowing freely and copiously from the opulence of a contented people, from the increasing sources of agriculture not only unimpaired, but actually improved even in the midst of hostilities; from a commerce, not engaged in a hostile contest with the supreme power of the state, not "*enslaved and invested on all sides*" by arbitrary restraints, not reproached, suspected, and punished, for its accumulating profits, but protected in its gains, unrestrained in its enterprises, supported in difficulty, and relieved from danger by the vigilant care of a wise and provident legislature. We behold armies

\* Camille Desmoulins.

† Vide Mr. Burke's speech on the economical reform of the king's household.



not levied by compulsory requisitions; not torn from the plough and the loom by the hands of the executioner; not paid and supplied by *prehensions* and seizures of private property; but proceeding from the spontaneous effort of a brave nation, maintained without difficulty and without oppression, and assisted under all the hardships of war, by the voluntary generosity of their fellow subjects. Instead of the proscription of honest industry, and the confiscation of all private fortunes, instead of peopled prisons and crowded scaffolds, instead of persecuted christianity, and established atheism, we see property respected, justice allied with mercy, and liberty with law, an inviolable regard for the rights of personal freedom, and a sacred reverence for the principles of religion; and in the publick mind we find a due sense and value of all these blessings, a general conviction that they are all involved in the issue of the present contest, and a firm determination to prosecute it with vigour, as the only means of securing their continuance.

The result of this view both of the condition of our enemy and of our own leads to a variety of deductions, all of which are essentially connected with the subject of our present deliberation; it proves, that the whole fabrick of the government, now prevailing in France, is unsound in every part; that the measures, by which the efforts of that government have been maintained in the last campaign, are at this moment exhausting the resources of the country, not slowly and gradually, not according to the regular progress of ordinary evils in the administration of states, but with a rapidity and violence which at once dissolve the very elements of the system of political economy, and preclude the possibility of recurring even to the same destructive projects in the event of any new exigency; it proves, that these measures are not only temporary and occasional in their very nature, but are expressly admitted to be so by the persons who proposed them. All the most important operations of finance are of this description; and

Barrère himself felt the levy of the mass of the people, to be a project of such danger, that when he introduced it into the convention, he justified it upon this single argument, "that it would bring the war to a termination in the course of the campaign," meaning that campaign which has just now been closed.

It proves, that such having been the true causes of whatever difficulties we have already experienced, we may entertain a reasonable expectation, that causes so unnatural together with their monstrous effects must ultimately yield to a steady and unremitting exertion of our natural and genuine strength, confirmed by the cooperation of our numerous allies; it proves further, that the same measures which have enabled the ruling faction to resist our attacks, have been so odious to the feelings, and so ruinous to the interests of every class and description of persons in France, as to have entirely alienated a large proportion of the people from the government; and this circumstance becomes a strong additional reason for perseverance in our efforts, as it must tend to facilitate the success of any impression, which we may hereafter be enabled to make.

Such are the reasons on which I ground my hopes of our final success in the present war. The necessity of our perseverance is to be deduced from the same considerations. For it appears in the first place from the detail which I have laid before you, that the destructive doctrines and the false principles of government, of which you dreaded the extension even in their infancy, have now attained full maturity and vigour, and have produced enormities infinitely surpassing whatever you had apprehended from their progressive malignancy, and from their active powers of mischief. It appears, that these enormities have been formally digested into a code, and embodied in a regular system, from which has sprung a tyranny so atrocious in form, in substance, in principle, and in practice, that as every man of common humanity must desire to see it destroyed in France for the sake of the people who suffer under it, so every member of



civil society would willingly encounter the calamities of the most protracted war, rather than incur the risk of subjecting his own country to the pernicious effects of such an evil. The question, therefore, which remains to be considered is, whether we can effectually secure ourselves against the inroads of that evil, by any other means than the continuance of our present exertions.

From the facts which I have already enumerated, it is incontestable, that in proportion as this tyranny consumes the property of France, it must entertain projects of ambition and aggrandizement; it must endeavour to repair its disordered finances by preying upon its neighbours, and to supply the exhausted resources of domestick confiscation by foreign plunder. It is equally evident, on the same general grounds, that it must be the immediate interest of a government, founded on principles wholly contradictory to the received maxims of all surrounding nations, to propagate the doctrines abroad, by which it subsists at home, to assimilate every neighbouring state to its own system, and to subvert every constitution which can form a disadvantageous contrast with its own absurdities. Such a government must therefore from its nature be hostile to all regular governments of whatever form, but above all to those which are most strongly contrasted with its own vitious structure and which afford to their subjects the best securities for the maintenance of order, liberty, justice, and religion.

Engaged in a contest with enemies of such a character, nothing can secure us against the danger of their future violence, but an effectual reduction of their present power. A peace founded on any other principle would not only be illusory, but must inevitably produce the most fatal consequences to all our most valuable interests. But the government of France neither can nor will accede to terms of peace in any degree conformable to this principle so indispensably necessary to our security.

By an article of the constitution of the 10th of August 1793, it is positively declared as a fundamental

maxim of the foreign policy of France that she will not conclude peace with an enemy who occupies any part of her territory. This article was not suspended by the institution of the revolutionary government; it was acted upon by the agents of the convention in the island of Corsica during the course of the last campaign, and their proceedings have since been deliberately approved by the convention.

Under this article it is obvious, that no peace can be concluded with France, unless we previously surrender into her hands all the acquisitions which we have made from her territory in the course of the present campaign; and here the importance of those acquisitions will perhaps be felt even by those who have hitherto undervalued them. We must surrender not only Valenciennes, Condé, and Quesnoy; but our conquests at Newfoundland and in the East and West Indies; and having thus abandoned all means of indemnity, we are to rely upon the good will of the convention for such security as they may vouchsafe to grant us.

But this humiliating and dangerous concession is far short of the extent of the indignity and hazard to which we must subject ourselves even in the preliminary steps towards a treaty of peace in the present moment.

It has been supposed by some persons, that in the month of April the obnoxious decree of the 19th of November, 1792 was repealed; and arguments have been drawn from that circumstance to prove that the jacobin faction have wholly abandoned their system of ambition and of interference in the internal affairs of other countries. But the fact is, that the decree of the 19th of November, 1792 has never been formally repealed. On the 13th of April, 1793, a period in which it may naturally be supposed that the failure of their designs against Holland, and the expulsion of their army from the Netherlands had depressed the spirits of the convention, a decree was proposed and passed at the suggestion of Robespierre and Danton, for the express purpose of throwing difficulties in the



way of any negotiation with the belligerent powers. In introducing this decree, Danton uses the following expressions :

“ The principle of my motion is, that the penalties of death shall be inflicted on any man who shall propose to the republick to treat with an enemy, who has not, as a preliminary, recognised the sovereignty of the people. In a moment of enthusiasm, we made a grant of universal fraternity, by which we seem to be bound to succour any patriot who may choose to make a revolution in China; but our first care ought to be the foundation of the power of France; when the republick shall be securely established, our energy and our new lights will attract every people on earth; let us therefore declare, that we will not interfere in the affairs of other states, but let us also determine to condemn to death any person who shall propose a negotiation, which has not for its basis the principles of our liberty.”

After this speech a decree was passed, in the first article of which the convention declares, “ that it will “ not interfere in the internal government of other “ powers.” The next article enacts the penalties of death against “ whoever shall propose to negotiate or treat with any power at war with the republick, unless such power shall have previously made a solemn recognition of the independence of the French nation, and of the sovereignty, indivisibility, and unity of the republick, founded upon liberty and equality.” I pass over the observations which might be made upon that part of this decree which requires the previous and unconditional acknowledgment of a new power in Europe, as the preliminary to a negotiation for peace. But it is necessary to understand distinctly what is meant by the acknowledgment of the “ unity and indivisibility of the republick.” This expression is clearly explained by subsequent circumstances.

On the 25th of August, a report is made by Herault Sechelless, in the name of the committee of publick welfare to the following effect: “ The people of Savoy are apprehensive that France is disposed to

abandon that department united to the republick by the ties of liberty. It is essential to counteract a rumour so fatal to the interests of Savoy, and so injurious to the honour of France. On the 13th of April you passed a decree, by which you entered into a formal engagement with the people of the reunited countries, that you would never consent to abandon them. You are bound by the laws of nature, which have traced the limits of the French empire on the extreme verge of Savoy, you are bound by every consideration of interest and of duty to remove the apprehensions of the people of Savoy, by repeating and confirming the declaration which you made in the month of April; a declaration, which placed under your guardianship all the nations situated between the confines of liberty and of slavery."

In consequence of this report, a decree was passed, declaring, that "the convention considers itself bound to afford equal protection to all parts of the republick, one and indivisible, against all tyrants and their slaves." And accordingly commissioners were named to take proper measures for delivering Savoy from the incursion of the Piedmontese troops. In the debate upon this decree, it is maintained "that Savoy is an integral part of the republick, and must be so considered, even if it should appear that the constitution had been accepted there only by a minority of the inhabitants." Barrere closes the debate, and says, "England has bound herself by a treaty with Russia not to conclude peace with France, until France shall have restored her conquests to their original possessors; but Savoy is not a conquest; nature and the wish of its inhabitants, have united it to France." The whole of this debate, and the decree by which it is terminated, refer immediately to the decree of the 13th of April, and furnish a clear exposition of its true sense and effect. It is evident, that notwithstanding the ostentatious renunciation of the principle of fraternity, France still maintains her claim to all those territories united to her dominion by the influence of corruption and of fear, so forcibly



described in the confessions of Brissot. This decree of counter-fraternity is therefore in reality a fresh instance of her rooted principles of aggrandizement and ambition; and it is the more remarkable as it was passed in the hour of adversity, in a period of domestic division, and of foreign misfortune. If any doubt can remain respecting the true intent of this decree, it is intirely removed by the events which happened during the solemnity of the 10th of August, 1793. On that day, the representatives of "eighty-six" departments appeared at Paris, for the purpose of acknowledging the acceptance of the new constitution, and the president of the convention, in a magnificent speech, pronounced at the feet of the altar of the country, declared that the constitution had been accepted by the "eighty-six" departments of France, a number which includes all the reunions.

The first step, therefore, towards the negotiation of peace must necessarily be, to acknowledge the right of France to the dutchy of Savoy, and to surrender the Netherlands, and the principality of Liege into her hands. Who is the statesman that shall advise us either to insult our allies, by proposing to them a concession equally incompatible with their interest, and degrading to their dignity; or to renounce every obligation of publick faith, and every sentiment of honour, by commencing a separate negotiation for peace on such terms, without their previous concurrence? They who have frequently argued in this house, that national honour is the most if not the only justifiable cause of war will not (I presume) contend that national disgrace can be a solid foundation of peace.

If it were possible to imagine that we could be disposed to commit an act of such flagrant perfidy, the sense of our own immediate interest would be sufficiently strong to restrain us. We must indeed have forgotten the original cause of this war, the nature of that necessity which compelled us to embark in it, together with every circumstance which has attended its progress, before we can consent to confirm to

France the command of the frontier of Italy, to reinstate her armies in their former position on the frontier of Holland, to sacrifice every advantage which we have gained, to repair every loss which she has suffered, to abandon all the resources of the Netherlands to the immediate effects of her rapine, and to leave the wealth and power of Holland at her discretion. After having thus weakened our own barrier, and given new strength to the enemy, after having submitted to such preliminaries, what new indignity might we not expect in the definitive treaty of peace? A further preliminary concession required by this decree may serve to apprise us what might hereafter be exacted from this country as a separate article, whenever France should be in a situation to enforce such a demand. It is required that we should acknowledge the sovereignty of the republick founded upon liberty and equality. To repeat the words of Danton, "the principles of French liberty are to form the basis of the negotiation." We must therefore sanction and ratify by a formal act of recognition all those pernicious doctrines from which the calamities of France have flowed, we must abjure the fundamental maxims of our own limited monarchy, we must renounce the elementary principles of every branch of the British constitution, and all this, in order to put ourselves into a situation, in which the national convention will deign to admit us to treat for peace. If it should be argued that the constitution and the law of France do indeed present all these obstacles to the negotiation of peace, but that the constitution and the law may be disregarded in this instance, as they have been in others, by the ruling faction; I answer, first, that no man in France can even propose an infraction of this law, without immediately incurring the penalties of death. Secondly, if it were probable that any existing power in France could have the boldness to brave this danger, and the influence to obtain permission for Great-Britain to open a negotiation on less disgraceful terms, the whole transaction would, on the first favourable occasion, be imputed as a crime to those who



had conducted it; the stipulations of a treaty commenced in open defiance of the law would be easily annulled, and we should discover too late our fatal error in having relaxed our efforts precisely at the most critical period of the war, for the prospect of negotiating with a government utterly unable to fulfil its engagements.

But after some attention to the subject, I cannot discover any such symptoms of a pacifick disposition in the jacobin faction, as to justify a rational hope, that they would incur the slightest risk for the sake of giving peace to Europe, and least of all, for the sake of giving a separate peace to England. I have already had occasion to make some allusion to the general character of their system of foreign politicks. They were the most zealous promoters of the famous decree of fraternity; a decree which was passed by acclamation and with an excess of frantick enthusiasm occasioned in a great measure by their violence. Danton himself moved the reunion of the Netherlands, and upon that occasion first broached the extravagant doctrine, that the limits of France were marked by nature in four points, the ocean, the Rhine, the Alps, and the Pyrenees; and that peace must never be made until the dominion of France has reached these four natural boundaries. Danton was afterwards one of the commissioners who fraternized with the Flemish people, by seizing their wealth, by arresting their persons, by subverting their laws, and by profaning their religion. Cambon moved the reunion of Nice, and was the author of the fraudulent decree of the 15th of December, 1792, by which the property of all the reunited nations was placed under the "safeguard and protection" of the French republick, and converted accordingly to the use of the French treasury, and by which, war was declared against every people who should dare to preserve their loyalty to their prince, or to tolerate any distinction of ranks and orders of society. Robespierre was loud in his complaints against Dumourier for not having more rigorously executed this very decree, and for not having invaded

Holland immediately upon the first conquest of the Netherlands, in the month of December, 1792. Barrere was that president of the convention, who in the true spirit of fraternity received the ambassadours of sedition and treason from this country, and joined with them in a fervent prayer for the subversion of the British constitution. His principles were known to be so ardent, that at the moment of the declaration of war he was appointed together with Thomas Paine, to draw up an address to the people of England for the purpose of alienating their affections from their lawful sovereign, and from the constitution of Parliament. The dangerous spirit which unquestionably prevailed among the jacobin faction at the breaking out of the war, has not been mitigated by the course of subsequent events. It breaks forth in various shapes, according to the difference of occasions, tempers, and situations. The jacobin society, the parent of the existing government in France, and the fountain head of all political doctrines in that country, so lately as the month of October last, printed and circulated through all the affiliated societies of anarchy, and through all the regular official channels provided for such purposes a very curious treatise intitled "Revolutionary Diplomatticks, by Anacharsis Clootz, orator of the human race." In this work the orator of the human race addresses himself to the sans-culottes of Holland, and exhorts them to take consolation under their present oppressions. He says, "the principal members of the national convention and of the popular societies are still convinced of the importance of uniting the mouths of the Rhine with the mouths of the Rhone, and of restoring to France the natural limits of ancient Gaul. The geographical position of France is not changed since last year. France cannot be confined within the factitious limits fixed by the folly of her kings. Publick opinion has already condemned those who would patch up a peace by sacrificing to the Cabinet of St. James's the interests of Savoy, Nice, Liege, and the Netherlands. The extension of the territory of France is equally essential



to her own domestick happiness, and to the establishment of the rights of man in every part of the world." Towards the conclusion of this new essay on the law of nations, it is announced, "that the day is approaching when the people of England shall rise, and demand the convocation of an assembly, where there shall be no question either of my lords or gentlemen." It is true that Mr. Clootz, having been detected in the crime of enjoying a considerable property, has been lately expelled from the jacobin club: but it does not appear that these enlarged doctrines of universal fraternity, inculcated on the minds of the people of France by order of the jacobins, have been since withdrawn from general circulation; and we have no more reason to conclude from the expulsion of Mr. Clootz, that his revolutionary diplomatics have been involved in the fate of their author, than that the convention in expelling Thomas Paine intended to renounce the rights of man. Robespierre, in terms somewhat more measured, has expressed sentiments of the same mischievous tendency in his report of the 17th of November 1793, upon the political situation of the republick, a report made in the name of the committee of publick welfare, which had before that time been invested with the whole powers of the government.

"The Brissotins, while they left our soldiers without arms, our fortresses without provisions, and our armies in the hands of traitors, urged us to go and plant the standard of the republick on the extremities of the world. With the stroke of a pen they overturned all thrones, and added Europe to the French empire. The sincere friends of the republick had a different plan. Before they attempted to break the chains of the universe, they wished to secure the liberty of their own country. Before they carried war into the countries of foreign despots, they wished to direct it against the tyrant who betrayed them at home; convinced that a king was but a bad guide to conduct a people to the conquest of universal liberty."

You may understand from this passage, with what view Robespierre and his party urged the murder of their unfortunate sovereign; it was (according to the avowal of the committee of publick welfare in this report) for the purpose of establishing a government, under which the people of France might be more readily conducted to the *conquest of universal liberty*; a phrase which now requires no comment. On the 5th of December, Robespierre reported his celebrated answer to the manifestos of all kings. In this extraordinary composition is contained a more scandalous libel against every prince in Europe, and a more virulent invective against monarchy itself, than any which has yet appeared, even in France. He calls all kings "slaves in a state of insurrection against the sovereignty of the people." He says, "that royalty is the masterpiece of human corruption." He maintains (as I have already stated) "that regicide is an act of the purest piety. But he declares, that he has no further intention, than to enlighten the minds of mankind with regard to the crimes of their respective governments." He concludes with an argument to prove that "the British government must be a despotism, because there is an opposition in parliament;" and he calls the British people, "a vile and insolent race, which has the presumption to talk of the rights of freedom, and of the duties of morality."

These expressions bring before your view not only the general hostility professed by the jacobins against all regular government, but their particular animosity against the united people of these happy kingdoms, and against the whole frame of the British constitution. Similar expressions of fixed and inveterate hatred are to be found in every important act of the government. I will quote a few instances, all taken from the reports made by different persons to the convention, in the name of the committee of publick welfare.

On the 16th of October 1793, Saint Just proposes a decree for the arrest of all Englishmen remaining



in France, and for the seizure of their property. He concludes his report with these words, "We will give our friendly assistance to the people of England, in order to enable them to rid themselves of kings."

Upon the evacuation of Toulon, Barrere says, in a triumphant tone, "the day is not distant when the people of England shall recollect that they were once republicans, and that it was a usurpation which reduced them again to the calamitous condition of subjects living under monarchy."

The same person on the 21st of September 1793, proposing an act of navigation for the express purpose of destroying the commerce and naval power of Great Britain, uses these words: "Carthage was the torment of Italy; Carthage was destroyed by Rome. London is the torment of Europe; London is an ulcer which wastes the strength of the continent; London is a political excrescence which liberty is bound to destroy. May England be ruined! May England be annihilated! Such ought to be the concluding article of every *revolutionary* decree of the national convention of France!"

I cannot dispute the wisdom and policy of this sentiment. I must agree with Barrere, that the ruin and annihilation of England would be, in the technical sense of the phrase, a *revolutionary* measure. Every motive of interest or of passion, which could engage the jacobin faction to disturb the peace of any independent state, must operate with redoubled force against Great Britain. Enemies not to the tyranny but to the order of absolute monarchy; enemies to the principle of order itself; their animosity must be most peculiarly exasperated against a frame of government, in which that principle appears in its most perfect and beautiful form. This is so consistent with the genuine character of anarchy, that the very same sentiment is attributed by Milton to the "old anarch," Chaos himself. He is introduced complaining to his guest Satan of the various encroachments which have been made upon the ancient empire of confusion and discord. He first complains

even of the order established in the infernal regions, but he is incensed to the utmost height of indignation against the beautiful order of the creation. Since the completion of that work he declares, that he is compelled to keep perpetual watch upon his frontier, endeavouring if he can to preserve the remnants of his anarchy from invasion. When he is informed that Satan is upon his passage to Paradise in the character of a missionary from the rebellious spirits for the express purpose of disturbing the peace of mankind, he receives him with great cordiality, directs his course, and wishes him a prosperous voyage. Satan repays this hospitality by a promise that he will use his utmost efforts to disorganise the world : he says,

“ Direct my course ;  
Directed, no mean recompense it brings  
To your behoof, if I that region lost,  
All usurpation thence expelled, reduce  
To her original darkness, and your sway,  
(Which is my present journey) and once more  
Erect the standard there of ancient night ;  
Yours be th’ advantage all, mine the revenge.”

All the scenes of fraternity which have been acted by the modern anarchists. All their libellous speeches and virulent reports seem to have been modelled from this precedent. Their general view has uniformly been, and still continues to be the subversion of all regular government of whatever description ; but the primary object is, and must be to abolish every trace and vestige of a government, which furnishes a practical lesson to mankind, that a just gradation of ranks and orders of society connected with the principles of a limited monarchy affords the best protection for the liberty and happiness of individuals, as well as the most permanent basis of national union and political strength.

Such being the passions and interests of the revolutionary government, and such being the nature of the system established under their influence, while that system shall exist either under their administration, or, without changing its character, shall pass into the hands of any other faction, we cannot attempt



even the preliminary steps towards a negotiation for peace, without relinquishing all hope of indemnity for the hazard and expense of the war, and without renouncing all prospect of security against the designs of France. We must augment her resources; we must aggrandize her dominion; we must recognise and confirm her principles of government; we must abandon our allies to her mercy; we must let her loose to prey at discretion upon the whole continent of Europe; and after having, by this unconditional grant, furnished her with the most formidable means of universal aggression, we are to confide in the words of a treaty for our sole protection against the common danger. Then might be applied to our weakness and infatuation the words of a sacred writer, once before applied to a nation under the influence of a similar delusion.

“Ye have said, we have made a covenant with death, and with the grave are we at agreement; when the overflowing plague shall pass through, it shall not come unto us.”

“But your covenant with death shall be disannulled, and your agreement with the grave shall not stand, when the overflowing plague shall pass through, then ye shall be trodden down by it.” And trodden down we shall be, if we shrink from our duty on this day. For how can we indulge the visionary hope, that in the general plunder of property, in the destruction of order and government, in the wreck of civil society, the British empire alone shall be spared? How can we delude ourselves with the vain imagination that France, in the plenitude of her power, and in the full career of her success will respect that nation alone, which is the avowed and peculiar object of her hatred, which offers the strongest temptation to her insatiable avarice, and opposes the most effectual obstacle to her licentious ambition?

Thus, sir, I have endeavoured to prove, that the original justice and necessity of this war have been strongly confirmed by subsequent events. That the

general result of the last campaign, both upon our own situation and upon that of the enemy, affords a reasonable expectation of ultimate success; and that not only the characters, the interests, and the dispositions of those who now exercise the powers of government in France, but the very nature of that system which they have established render a treaty of peace upon safe or honourable terms impracticable in the present moment, and consequently require a vigorous and unremitting prosecution of the war.

Hitherto, I have addressed my arguments to the whole house; in what I shall now urge, I must declare, that I do not mean to address myself to those few among us who did not share the common sentiment of the house, and of the publick in that period of general alarm, which immediately preceded this war. But I appeal to those, who previous to the commencement of the war felt in common with the great body of the people a well grounded apprehension for the safety of our happy constitution, and the general interest of civil society. Do they now feel the same degree of anxiety? Even in the midst of hostilities, in the very heat of the contest, and after a campaign which, although greatly successful in its general result, has neither been exempt from difficulty, nor from the ordinary vicissitudes of a state of war; do they not now feel in their own breasts, and perceive in the publick mind such a degree of confidence in the security of all that can be dear and valuable to British subjects, as they would have gladly purchased before the war, even by surrendering a part of those interests, the whole of which was menaced in that gloomy period of general consternation?

What change of circumstances, what happy combination of events has calmed the anxiety, and revived the depressed spirits of the nation?

Is it the decree of counterfraternity declaring, that France will no longer interfere in the internal affairs of independent states, but reserving to her the sovereignty of all those countries which were overrun



by her arms in the first career of her inordinate ambition? Is it the reply of Robespierre to the manifestos of all the princes of Europe, in which he pronounces kings to be the masterpiece of human corruption; in which he libels every monarch in Europe, but protests that France has no intention to disturb monarchy, if the subjects of kings are still weak enough to submit to such an institution? Is it the murder of Brissot and his associates? Is it the disgrace and imprisonment of Anacharsis Clootz, the author of the *Revolutionary Diplomaticks*; or of Thomas Paine, the author of the *Rights of Man*? Is it any profession, assurance, or act of the revolutionary government of France? You all know it is not. The confidence of a wise people could never be rested on such weak and unsubstantial foundations. The real cause of our present sense of security is to be found in our own exertions combined with those of our allies. By those exertions we were enabled to withsand and repel the first assault of the arms and principles of France; and the continuance of the same effort now forms our only barrier against the return of the same danger. Who then shall venture to persuade you to cast away the defence which has afforded you protection against all the objects of your former apprehension, to subvert the foundations of your present confidence, and to resort for your future safety to the inconsistent decrees, to the contradictory declarations, and to the vague assurances of a guilty, desperate, and distracted faction, which offers no possible ground of security either in the principles of its policy, or in the stability of its power? All the circumstances of your situation are now before you. You are now to make your option: you are now to decide, whether it best becomes the dignity, the wisdom, and the spirit of a great nation to rely for her existence on the arbitrary will of a restless and implacable enemy, or on her own sword. You are now to decide, whether you will intrust to the valour and skill of British fleets and British armies, to the approved faith and united strength of your numerous and powerful allies the

defence of the limited monarchy of these realms, of the constitution of parliament, of all the established ranks and orders of society among us, of the sacred rights of property, and of the whole frame of our laws, our liberty, and our religion; or whether you will deliver over the guardianship of all these blessings to the justice of Cambon, the plunderer of the Netherlands, who to sustain the baseless fabrick of his depreciated assignats, defrauds whole nations of their rights of property, and mortgages the aggregate wealth of Europe;—to the moderation of Danton, who first promulgated that unknown law of nature which ordains, that the Alps, the Pyrenees, the ocean, and the Rhine should be the only boundaries of the French dominion;—to the religion of Robespierre, whose practice of piety is the murder of his own sovereign, who exhorts all mankind to embrace the same faith, and to assassinate their kings for the honour of God;—to the friendship of Barrere, who avows in the face of all Europe, that the fundamental article of the revolutionary government of France is the ruin and annihilation of the British empire;—or finally, to whatever may be the accidental caprice of any new band of malefactors, who, in the last convulsions of their exhausted country, may be destined to drag the present tyrants to their own scaffolds, to seize their lawless power, to emulate the depravity of their example, and to rival the enormity of their crimes.



## MR. CURRAN'S SPEECH,

ON THE RIGHT OF ELECTION OF LORD MAYOR OF THE CITY  
OF DUBLIN. DELIVERED BEFORE THE LORD LIEUTENANT  
AND PRIVY COUNCIL OF IRELAND.—1790.

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OF this case the orator is the best historian: the speech itself reviews with such minute exactness all the circumstances which gave it birth. It is a fine example of that species of narration which is peculiar to the bar; and falls very little below the points of excellence, to which Cicero attained, in the famous pleading *pro Milone*.

It is not, however, wholly superfluous to mention the event of the trial. Curran's eloquence, like that of the orator of antiquity, in the case recently alluded to, did not prevail though its powers were so plausibly exerted.

The election of alderman James, the antagonist of Mr. Curran's client, was confirmed.

### SPEECH, &c.

MY LORDS,

I HAVE the honour to appear before you as counsel for the commons of the corporation of the metropolis of Ireland, and also for Mr. Alderman Howison, who hath petitioned for your approbation of him as a fit person to serve as lord mayor, in virtue of his election by the commons to that high office; and in that capacity I rise to address you on the most im-

portant subject that you have ever been called upon to discuss.—Highly interesting, and momentous indeed, my lords, must every question be that, even remotely and eventually, may affect the wellbeing of societies, or the freedom, or the repose of nations; but that question, the result of which, by an immediate and direct necessity, must decide, either fatally or fortunately, the life or the death of that well-being, of that freedom and that repose, is surely the most important subject on which human wisdom can be employed, if any subject on this side the grave can be entitled to that appellation.

You cannot, therefore, my lords, be surprised to see this place crowded by such numbers of our fellow citizens; heretofore they were attracted hither by a strong sense of the value of their rights, and of the injustice of the attack upon them; they felt all the magnitude of the contest; but they were not disturbed by any fear for the event; they relied securely on the justice of their cause, and the integrity of those who were to decide upon it. But the publick mind is now filled with a fear of danger, the more painful and alarming, because hitherto unforeseen; the publick are now taught to fear, that their cause may be of doubtful merits, and disastrous issue; that rights which they considered as defined by the wisdom, and confirmed by the authority of written law may now turn out to be no more than ideal claims, without either precision or security; that acts of parliament themselves are no more than embryos of legislation, or at best but infants, whose first labours must be, not to teach, but to learn; and which, even after thirty years of pupilage, may have thirty more to pass under that guardianship, which the wisdom of our policy has provided for the protection of minors.—Sorry am I, my lords, that I can offer no consolation to my clients on this head; and that I can only join them in bewailing, that the question, whose result must decide upon their freedom or servitude, is perplexed with difficulties, of which we never dreamed before, and which we are now unable to comprehend. Yet sure-



ly, my lords, that question must be difficult, upon which the wisdom of the representative of our dread sovereign, aided by the learning of his chancellor and his judges, assisted also by the talents of the most conspicuous of the nobles and the gentry of the nation, has been twice already employed, and employed in vain.—We know, my lords, that guilt and oppression may stand irresolute for a moment ere they strike, appalled by the prospect of danger, or struck with the sentiment of remorse: but to you, my lords, it were presumption to impute injustice: we must therefore suppose that you have delayed your determination, not because it was dangerous, but because it was difficult to decide: and indeed, my lords, a firm belief of this difficulty, however undiscoverable by ordinary talents, is so necessary to the character which this august assembly ought to possess, and to merit from the country, that I feel myself bound to atchieve it by an effort of my faith, if I should not be able to do so by any exertion of my understanding.

In a question therefore, so confessedly obscure, as to baffle so much sagacity, I am not at liberty to suppose, that certainty could be attained by a concise examination. Bending then, as I do, my lords, to your high authority, I feel this difficulty, as a call upon me to examine it at large; and I feel it as an assurance, that I shall be heard with patience.

The lord mayor of this city, hath from time immemorial been a magistrate, not appointed by the crown, but elected by his fellow-citizens. From the history of the early periods of this corporation, and a view of its charters and by-laws it appears, that the commons had from the earliest periods, participated the important right of election to that high trust; and it was natural and just, that the whole body of citizens, by themselves, or their representatives, should have a share in electing those magistrates, who were to govern them: as it was their birthright to be ruled only by laws, which they had a share in enacting.

The aldermen however, soon became jealous of this participation; encroached by degrees upon the commons; and at length succeeded in engrossing to themselves the double privilege of eligibility and of election; of being the only body out of which, and by which, the lord mayor could be chosen. Nor is it strange, that in those times, a board, consisting of so small a number as twenty-four members, with the advantages of a more united interest, and a longer continuance in office, should have prevailed, even contrary to so evident principles of natural justice and constitutional right, against the unsteady resistance of competitors, so much less vigilant, so much more numerous, and therefore so much less united. It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime, and the punishment of his guilt.

In this state of abasement the commons remained for a number of years; sometimes supinely acquiescing under their degradation; sometimes, what was worse, exasperating the fury, and alarming the caution of their oppressors, by ineffectual resistance. The slave that struggles without breaking his chain, provokes the tyrant to double it; and gives him the plea of self-defence for extinguishing what, at first, he only intended to subdue.

In the year 1672, it was directed by one of the new rules, made by the lord lieutenant and privy council, under the authority of the act of explanation, that "no person should be capable of serving in the office of lord mayor, until approved of by the lord lieutenant and council." And this was a power given after the unhappy civil commotions in this country, to prevent any person, who was not a loyal subject, from holding so important a trust; and upon this single ground, namely, *disloyalty*, have you, my lords, any authority to withhold your approbation.



From that time, till the year 1759, no farther alteration appears to have taken place in the mode of electing the chief magistrate. At this latter period the act of 33 G. II. was passed. The occasion and the object of that law are universally known. A city so increased in population, in opulence, and in consequence, could not tamely submit to have its corporate rights monopolized by a few, who were at once the tyrants of the metropolis, and the slaves of the government. Magistrates elected by the board of aldermen, were in fact nominated by the court, and were held in derision and abhorrence by the people. The publick peace was torn by unseemly dissensions; and the authority of the law itself, was lost in the contempt of the magistrate. The legislature felt itself called upon to restore the constitution of the city, to restore and ascertain the rights of the commons, and thereby to redeem the metropolis from the fatal effects of oppression, of servitude, and of anarchy. In saying this, my lords, I am founded on the preamble of the act itself. "Whereas dissensions and disputes have from a dissatisfaction, as to some parts of the present constitution of the corporation of the city of Dublin, arisen, and for some years past subsisted among several citizens of the said city, to the weakening the authority of the magistrates thereof, who are hereby rendered the less able to preserve the publick peace within the said city: Therefore for remedying the aforesaid mischiefs, and inconveniencies, and for restoring harmony and mutual good will among the citizens of the said city, and for preserving peace and good order therein: At the humble petition of the lord mayor, sheriffs, commons, and citizens of the city of Dublin, be it enacted, &c."

Here are stated the mischiefs acknowledged, and the remedy proposed—with this view, the statute has ascertained the constituent parts of the corporation, their respective members, their rights, and the mode of their election, with so minute and detailed an exactness, as even to enact many of those regula-

tions which stood upon the authority of the new rules, or the ancient charters and by-laws, and in which no alteration whatsoever was intended to be made; and this it did, that the city might not be left to explore her rights by uncertain deductions from obscure or distant sources, but that she might see the whole plan in a single view, comprised within the limits of a single statute, and that so intelligibly to every common understanding, as to preclude all possibility of doubt, and thereby all future danger of cavil or dissension.

For this purpose it enacts, "That the common council of the city of Dublin, consisting of the lord mayor and twenty-four aldermen, sitting apart by themselves as heretofore, and also of the sheriffs of the said city for the time being, and sheriff's peers, not exceeding forty-eight, and of ninety-six freemen, who are to be elected into the said common council out of the several guilds or corporations of the said city in manner hereafter mentioned, be, and for ever hereafter shall be deemed and taken to be, the common council of the said city, and the representative body of the corporation thereof."

It then prescribes the mode of electing representatives of the several guilds and the time of their service, in which the right of the commons is exclusive and without control.

It then regulates the election of sheriffs. The commons nominate eight freemen, the mayor and aldermen elect two from that number.

Then of aldermen. The mayor and aldermen nominate four sheriff's peers; the commons elect one of them.

And here, my lords, give me leave to observe, that this exclusive right of electing their own representatives, and this participation in the election of their magistrates is given to the popular part of the corporation to be exercised, as all right of suffrage is exercised by the constitution of this country, that is, according to the dictates of judgment or of affection, and without any authority vested in any human



tribunal, of catechising as to the motives that may operate on the mind of a free elector in the preference of one candidate or the rejection of another.

I will now state to your lordships that part of the statute which relates to the subject of this day.

“ And be it enacted by the authority aforesaid, That the name of every person who shall hereafter be elected by the lord mayor and aldermen of the said city or the usual quorum of them, to serve in the office or place of lord mayor of the said city, shall be returned by them to the commons of the common council of the said city for their approbation; without which approbation such person shall not be capable of serving in the office or place of lord mayor: and if it shall happen, that the said commons shall reject or disapprove of the person so returned to them, the lord mayor and aldermen of the said city or the usual quorum of them, shall from time to time elect another person to serve in the office or place of lord mayor of the said city, and shall from time to time return the name of the person so by them elected to the commons of the common council of the said city for their approbation, and so from time to time until the said commons shall approve of the person returned by the lord mayor and aldermen of the said city or the usual quorum of them; provided always, that such election into the said office of lord mayor shall be of some person from among the aldermen, and that the commons shall approve of some one person so elected and returned to them for their approbation.

“ And for the preventing the mischiefs and inconveniencies which may arise from a failure of the corporation of the said city in the appointment of necessary officers; be it enacted by the authority aforesaid, That if either the lord mayor and aldermen, or the commons of the said city, shall omit or refuse to assemble at or within the usual times for the electing the lord mayor, aldermen and sheriffs respectively; or being assembled shall omit or refuse to do what is hereby required to be done by them respec-

tively, for the election and appointment of the said officers; then, and as often as the case shall happen, it shall and may be lawful for the commons in case such default shall be in the lord mayor and aldermen, or for the aldermen in case such default shall be in the commons, or for the usual quorum of them respectively, without any summons for that purpose, to assemble themselves at the tholsel of the said city on next following day, (not being Sunday) or in case the same shall happen to be on Sunday, then on the Monday next following, and then and there to elect the said officers respectively as the case shall require; and every such election so made, shall and is hereby declared to be valid and effectual to all intents and purposes.

“ Provided always, and be it further enacted by the authority aforesaid, That every election by the said several guilds, for the constituting of their representatives in the common council of the said city, and every election made or approbation given by the commons of the said common council by virtue of this act shall be by ballot and not otherwise..

“ Provided always, that notwithstanding any thing in this act contained, no person or persons shall be enabled or made capable to serve in or execute the office or place of lord mayor or sheriff, recorder or town clerk of the said corporation, until he or they shall respectively be approved of by the lord lieutenant or other chief governour or governours and privy council of this kingdom, in such manner as hath heretofore been usual.”

Under this act, at the Easter quarter assembly, held on the 16th day of April, 1790, the lord mayor and aldermen sent down the name of Mr. alderman James to the commons, who rejected him; the lord mayor and aldermen elected seven other persons who were sent down to the commons and successively rejected; the lord mayor and aldermen then broke up their meeting without sending down the name of any other person, or conceiving that they had any right



whatsoever to question the commons touching their reasons for rejecting those who had been so rejected.

The sheriffs and commons thinking that the lord mayor and aldermen had omitted to do what was required of them by the statute to do, namely to proceed by sending down the name of another person, and so from time to time, &c. assembled and elected Mr. Alderman Howison, whom they returned for the approbation of this board.—The lord mayor and aldermen returned Mr. James also as duly elected; the claims of both parties were heard by their counsel, and this board did not think proper to approve of either candidate; the city proceeded to a new election; the name of Mr. James was again sent down, and rejected as before; a message was then sent to demand of the commons the reason of their disapprobation; they declined giving any answer, but that it was their legal right to do as they had done. Mr. James was accordingly returned as duly elected by the lord mayor and aldermen; the sheriffs and commons, as before, elected and returned Mr. Howison; the claims of the candidates were again debated before this honourable board, but nothing was decided.

A third assembly has since been held, in which the lord mayor and aldermen have acted as before, and returned Mr. James; the sheriffs and commons have elected Mr. Howison, who has petitioned for your approbation in virtue of that election.

I trust, my lords, you will think it now time to decide the question—my client calls for that decision; his opponents cannot wish for longer procrastination. In the progress of their pretension hitherto they have found the fears, and odium and reprobation of the publick increasing upon them.

It is full time to compose the disquietude of that publick. The people do not always perceive the merits or the magnitude of a question at a single glance, but they now completely comprehend its merits and importance; they are now satisfied that every thing

that can be of value to men, may be lost or secured by the event of the present contest.

The claim of my clients has been impeached upon an alleged meaning of this act, and also upon certain facts stated by the learned counsel on the other side, and admitted as proved; of which facts, and the arguments upon them, I will take notice in their proper place.

As to the invective so liberally bestowed upon my fellow citizens, it best becomes the unhired voluntary advocate of their rights to pass them without remark.\* I feel them of too high respect, to be protected by panegyrick or avenged by invective; I shall therefore treat those sallies of the learned gentleman's imaginations as I would the flights of their doves, they come abroad only *animo revertendi*, and ought to be suffered to return unmolested to their owners.

The right of Mr. Howison is confessed by the counsel for his opponents, to be warranted by the letter of the law. The mayor and aldermen sent down Mr. James; he was rejected by the commons, who sent to request that another might be sent down; the board did not send down another, but demanded a reason for the rejection of Mr. James, which, by the letter of the act, they were certainly not warranted in doing. But it is said that by the sound construction of that law, the commons have a right to reject, only for good cause, and that having refused to assign such cause, they have been guilty of a default which has transferred the sole right of election to the lord mayor and aldermen, who have accordingly elected Mr. James.

*Lord chancellor.*—The question here is, “can a mere right of rejection or approbation supersede a right of election?”

*Mr. Curran.*—If I can satisfy this board that that is not the question, I trust I shall be heard with patience, as to what I conceive to be the question.

\* Mr. Curran here alludes to certain passages contained in the speech of Dr. Duigenan, who appeared before the council as advocate for alderman James and the board of alderman.



I say, my lords, that is not the question; because, First, The mode and the rights of election in this case turn not upon any general doctrine of the common law, but upon an express statute, which statute would never have been made, had it not been intended by the legislature to prescribe rules of direction, different from those of the common law.

Secondly, The rule alluded to relates to officers in corporations, as in the case cited, who have a naked authority to admit, but can reject only for a plain defect of right in the candidate, and who, if a mandamus is directed to him requiring him to admit, must return a legal cause of his disapprobation, that the truth of the fact, or the validity of the cause may be duly tried.

But there is clearly no analogy between such an officer and the great body of the commons of this city.

First. That officer has no elective authority whatsoever. It is admitted that the act gives to the commons at least a concurrent elective control; and if the mayor and aldermen "make default" an exclusive right to elect, which shall be "valid to all intents and purposes!"

Secondly. That officer has a sort of judicial power, which is well placed in a single permanent individual, who is capable of, and responsible for the exercise of a judicial power: but it would be monstrous to give a judicial power to a fluctuating multitude; for they cannot be presumed capable of exercising it; nor could they be responsible for such exercise by any course of law; for suppose a mandamus directed to them requiring them to approve; how is it possible to make any true return to such writ? How can any man assign a cause for that rejection which the law requires to be by ballot, and consequently secret? Or suppose a party of the commons are practised upon to return a cause, and that designedly an invalid one, how shall the residue of the commons be able to justify themselves by alleging the true and valid cause of their disapprobation?

To try it therefore by such a rule, is to try it by a rule clearly having no general analogy to the subject, nor even a possible application, except so far only as it begs the question.

My lords, it is absurd to ask how a simple power of approbation or rejection for cause, shall be controlled, unless it is first determined whether the commons have that simple power only, or whether they have, what I think they clearly have under the statute, a peremptory right of approving or rejecting without any control whatsoever.

If they have but a simple right to reject for cause, and ought to have assigned such cause under the law, they have been guilty of a default, and the sole right to elect devolves to the board of aldermen, who, of course, have duly elected. If they are not bound to assign such a reason, manifestly the aldermen have acted against law, and by their default have lost this power, and the commons have duly elected Mr. Howison.

Now, my lords, in examining this question, you must proceed by the ordinary rule of construction, applicable alike to every statute; that of expounding it by the usual acceptation and natural context of the words in which it is conceived. Do the words then, my lords, or the natural context of this act, describe a limited power of rejecting only for cause to be assigned, or a peremptory power of rejecting without any such cause?—Says the act, “If it shall happen that the commons shall reject or disapprove.” The law describes this accidental rejection in language most clearly applicable to the acts of men assembled, not as judges, but as electors, not to judge by laws which they have never learned, but to indulge their affections, or their caprice; and therefore justly speaks of a rejection, not the result of judgment but of chance.

“If it shall happen that they shall *reject* or *disapprove*.” My lords, you cannot say these words are synonymous. In acts every word must have its meaning if possible. “To *reject*,” contradistinguishes



ed to "*disapprove*," is to reject by an act of the will : to disapprove, supposes some act of the judgment also.

The act then clearly gives a right of rejecting, distinct from disapprobation, which by no possibility can be other than a peremptory right without limit or control.

But here, if a reason must be had, the law would naturally prescribe some mode of having it demanded. This, however, unluckily cannot be done without a direct violation of the act, which enjoins, that the two bodies shall "sit apart, and by themselves as heretofore;" but at least it might have left the board of aldermen the means of making a silent struggle for the approbation of their favourite candidate, by sending him down again for reconsideration. But, on the contrary, the law is express, that "if the commons shall happen to reject or disapprove the first," they must then proceed to send down the name, not of *him*, but of *another*, and so on.—How long, my lords? Until a good reason shall be assigned for the rejection of the first? No, my lords, it is "until the commons shall approve of *some one person*, so sent down;" and to this right of rejection, which the law has supposed might happen so often, the law has opposed the limit of a single proviso only, applicable enough to a peremptory right of rejection, but singular indeed, if applied to rejection for cause: "Provided always, that such election into the said office of lord mayor shall be of some person from among the aldermen, and that the commons shall approve of some one person so elected and returned to them for their approbation."—A rejection without cause to be assigned, being a mere popular privilege, may be limited in its extent by reasons of expediency: but a judicial power of rejecting for legal cause, cannot be so controlled without the grossest absurdity. It is like a peremptory challenge, which is given to a prisoner by the indulgence of the law, and may be therefore restricted within reasonable bounds. But a challenge for cause, is given of common right, and

must be allowed as often as it shall be found to exist, even though the criminal should remain for ever untried, and the crime for ever unpunished.

Permit me now, my lords, to try this construction contended for, by another test. Let us put it into the form of a proviso, and see how it accords with the proviso, which you find actually expressed: "Provided always, that the commons shall be obliged to approve of the first person whose name shall be sent down to them, unless they shall assign good legal cause for their rejection." The proviso expressed is, "Provided that they shall approve, not of the first person, but of some one person so elected." Can any thing be more obvious than the inconsistency of two such provisos?

Give me leave, my lords, to compare this supposed proviso with the enacting part of the statute. It says, that if the first person sent down be rejected, the lord mayor and aldermen, shall, "then proceed to elect another and send down his name:" but if this supposed proviso were to make a part of the act, they would not be obliged to send down "another name;" but would be authorized to insist upon the claim of the first candidate, by demanding a reason for his rejection. This supposed proviso, therefore, and of course this superinduced construction, is directly incompatible both with the body and the proviso of the statute itself.

But see further, my lords, what you do by such a construction; you declare that the benefit of this statute, which is given expressly to the commons, is given upon a tacit condition, by the breach of which that benefit is utterly forfeited. Do you think, my lords, you shall act consistently with the spirit of the constitution, or of the law of Ireland, if you declare and enforce a cause of forfeiture written in no law whatsoever, and devised only by your own interpretation? or do you not feel, my lords, to what a wretched state of servitude the subject is reduced, if criminality and forfeiture are to depend, not on the plain and permanent meaning of the law, but upon the



dreams and visions of capricious interpreters? If a constructive cause of forfeiture can be warranted, by which any part, or any individual, of a corporation shall be adjudged to have lost their franchise; by the same principle may a constructive offence and forfeiture be devised, by which a whole corporation shall be stripped of its charter. Says the law, "If they shall omit or refuse to do what they are required to do by this act," they lose the benefit thereof: but this curious construction would declare, that the commons have forfeited the benefit of the statute, by refusing to do that which they are not required by this, or any other act, to do.

If then, my lords, you call this power of rejection or disapprobation, a power to be regulated by technical maxims of the common law, and to be exerted only for legal cause to be assigned; what is it but to give the law a meaning which the legislature never spoke? what is it but to nullify a statute made for the benefit of the people, by an arbitrary construction, supported only by the most pitiful of all argumentative fallacies: an assumption of what cannot be proved; or to describe it in terms more suited to its demerit, that mixture of logical poverty, and ethical meanness, which stoops to beg what it has not industry to acquire, nor craftiness to steal, nor force to extort.

But see, my lords, whether this infallible rule of the common law, upon which the whole merits of this case have been rested, will not, if admitted, be subversive of the authority which it would seem to support.

By one of the new rules, and by a clause in this act of parliament, no person can serve as mayor without the approbation of this board. This power of approving, was notoriously given for the security of the government; and hath now for upwards a century been exercised upon no other ground whatever. By a clause in this act, no person can serve as mayor without the approbation of the commons, and this right of approbation, as notoriously, was given to increase the power of the people; and the commons have accord-

ingly so exercised it uniformly for thirty years ; it is observable that this right of approbation, is given to them in language more emphatical than it is to your lordships : but for argument sake, I will suppose the words the same ; now if by the common law, all right of approving or rejecting can be founded only upon legal cause to be assigned, what becomes of your lordships' decision ? You have already refused your approbation to the two present petitioners, having both exactly the same pretensions to your approbation which they have at present ; you have refused your approbation, and you have assigned no cause ; but let me ask a much more material question, what in that case becomes of your lordships' power ? The same words in the same act of parliament cannot have two different constructions. If the commons are bound to assign a legal cause for rejection, you, my lords, must be similarly bound ; and the law will then coerce the commons, and coerce your lordships, in a manner directly contrary to the intention of the act ; it will then cease to be a law for the protection of liberty, on the one hand, or the security of government on the other : for being equally confined to a rejection for legal cause, the commons may be obliged to approve a candidate not legally disqualified, though an enemy to their liberty, and your lordships be restrained from rejecting a candidate, not legally disqualified, though an enemy to the state. See then, my lords, to what you will be reduced : you must either admit, that the statute has confined you both equally to decide upon the mere question of legal capacity or incapacity only, of which they are clearly incapable of judging, and on which it is here admitted you are incompetent to decide, and has thus elevated them, and degraded your lordships from good citizens and wise statesmen into bad judges ; or if, in opposition to this construction, you do your duty to your sovereign, and refuse to admit to the magistracy, a man whom you have good reason to believe disaffected to the state, though subject to no legal incapacity ; what do you do, my lords ? You give two different expositions to the



same words in the same act of parliament; that is, an enlarged exposition in favour of yourselves, and a confined one against the people; that is, in fact, you are driven to incur the odium of repealing the law as against the crown, and enforcing it against the subject. See on the other hand, my lords, how by the plain and hitherto adopted construction, all these mischiefs are avoided, You judge of the candidate with respect to his loyalty, the commons with regard to his integrity and independence; neither of you with any relation to his legal capacity or incapacity; thus will every object of the law, of the people, and of the government be completely obtained. The commons will enjoy their power in deciding upon the popularity of the candidate for magistracy; you will do your duty in deciding upon his loyalty; and the courts of justice will retain their natural exclusive jurisdiction in every question that can touch his legal qualification. Thus will it be impossible for any man to have the power of the city in his hands, who is not free from all legal objections, and who is not also deserving the confidence of his sovereign, as well as of his fellow-subjects.

Thus far, my lords, have I examined this law, with respect to the present question, by the general rule of construction, applicable generally to all statutes; that is, of seeking for the meaning of the legislature in the ordinary and natural context of the words they have thought proper to adopt; and this, I thought, I might do with still more confidence in a law, professedly made for the direction of men unacquainted with legal difficulty, unversed in the subtilty of legal distinction, and acting in a situation which precludes them from the advantage of all legal assistance: but I feel, that what hath been satisfactory to my mind, hath not been so to some of your lordships. I feel myself, therefore, obliged to enter upon a more minute examination of this statute, upon principles and circumstances peculiar to itself.

I am sorry, my lords, to trespass upon your patience; but I am speaking upon a subject, in which

if I do not succeed, the people of this country will have lost what is of infinitely more value than any time, however precious, that may be wasted in their defence.

This act, my lords, professes to be a remedial act, and as such must be construed according to the rules peculiar to remedial laws: that is, in three points of view: first, the former state of the law; secondly, the mischief of such former state; and thirdly, the remedy proposed for the cure of that mischief.

As to the first point; at the time of this statute the lord mayor and aldermen exercised the exclusive power of election to the chief magistracy, without any interference of the commons. The immediate mischief of such a constitution, with respect to the metropolis itself, I have touched upon before. The people were born down; the magistracy was depraved; the law was relaxed; and the public tranquillity was at an end. These mischiefs were more than enough to induce the citizens of Dublin to call loudly, as they did, upon the justice of the legislature for parliamentary redress. But the wisdom of that legislature formed an estimate of the mischief from considerations that probably did not enter into the minds of the contending parties; namely, from the then state of Ireland as an individual, and as a connected country; as an individual, depressed in every thing essential to the support of political or civil independency; depressed in commerce, in opulence, and in knowledge; distracted by that civil and religious discord, suggested by ignorance and bigotry, and inflamed by the artifice of a cruel policy, which divided in order to destroy, conscious that liberty could be banished only by disunion, and that a generous nation could not be completely stripped of her rights, until one part of the people was deluded into the foolish and wicked idea that its freedom and consequence could be preserved or supported only by the slavery or depression of the other. In such a country it was peculiarly necessary to establish at least some few



incorporated bodies, which might serve as great repositories of popular strength. Our ancestors learned from Great Britain to understand their use and their importance; in that country they had been hoarded up with the wisest forecast, and preserved with a religious reverence, as an unfailing resource against those times of storm, in which it is the will of Providence that all human affairs should sometimes fluctuate; and as such, they had been found at once a protection to the people and a security to the crown. My lords, it is by the salutary repulsion of popular privilege that the power of the monarchy is supported in its sphere. Withdraw that support and it falls in ruin upon the people, but it falls in a ruin no less fatal to itself, by which it is shivered to pieces.

Our ancestors must therefore, have been sensible that the enslaved state of the corporation of the metropolis was a mischief that extended its effects to the remotest borders of the island. In the confederated strength, and the united councils of great cities, the freedom of a country may find a safeguard which extends itself even to the remote inhabitant who never put his foot within their gates.

But, my lords, how must these considerations have been enforced by a view of Ireland, as a connected country, deprived as it was of almost all the advantages of a hereditary monarchy; the father of his people residing at a distance, and the paternal beam reflected upon his children through such a variety of *mediums*, sometimes too languidly to warm them; sometimes so intensely as to consume; a succession of governours differing from one another in their tempers, in their talents, and in their virtues, and of course in their systems of administration; unprepared in general for rule by any previous institution, and utterly unacquainted with the people they were to govern, and with the men through whose agency they were to act. Sometimes, my lords, 'tis true, a rare individual has appeared among us, as if sent by the bounty of Providence in compassion to human miseries, marked by that dignified simplicity

of manly character, which is the mingled result of an enlightened understanding and an elevated integrity; commanding a respect that he laboured not to inspire, and attracting a confidence which it was impossible he could betray.\* It is but eight years, my lords, since we have seen such a man amongst us, raising a degraded country from the condition of a province, to the rank and consequence of a people, worthy to be the ally of a mighty empire; forming the league that bound her to Great Britain, on the firm and honourable basis of equal liberty and a common fate, "standing and falling with the British nation," and thus stipulating for that freedom which alone contains the principle of her political life, in the covenant of her federal connexion. But how short is the continuance of those auspicious gleams of publick sunshine! how soon are they passed, and perhaps for ever! In what rapid and fatal revolution has Ireland seen the talents and the virtues of such men give place to a succession of sordid parade, and empty pretension, of bloated promise, and lank performance, of austere hypocrisy and peculating economy!† Hence it is, my lords, that the administration of Ireland so often presents to the reader of her history, not the view of a legitimate government, but rather of an encampment in the country of a barbarous enemy; where the object of the invader is not government but conquest; where he is of course obliged to resort to the corrupting of clans, or of single individuals, pointed out to his notice by publick abhorrence, and recommended to his confidence, only by a treachery so rank and consummate, as precludes all possibility of their return to private virtue, or to publick reliance, and therefore only put into authority over a wretched country, condemned to the torture of all that petulant unfeeling asperity with which a

\* The duke of Portland.

† Refers to the administrations of the duke Rutland and the marquis of Buckingham.



narrow and malignant mind will bristle in unmerited elevation; condemned to be betrayed, and disgraced, and exhausted by the little traitors that have been suffered to nestle and to grow within it, making it at once the source of their grandeur, and the victim of their vices, reducing it to the melancholy necessity of supporting their consequence, and of sinking under their crimes, like the lion perishing by the poison of a reptile that finds shelter in the mane of the noble animal, while it is stinging him to death.

By such considerations as these, my lords, might the makers of this statute have estimated the danger to which the liberty of Ireland was exposed; and of course the mischief of having that metropolis enslaved, by whose independency alone those dangers might be averted. But in this estimate they had much more than theory, or the observation of foreign events to show them, that the rights of the sovereign and of the subject were equally embarked in a common fate with that independency. When in the latter part of the reign of queen Anne, an infernal conspiracy was formed, by the then chancellor (sir Constantine Phipps,) and the privy council, to defeat that happy succession which for three generations hath shed its auspicious influence upon these realms, they commenced their diabolical project with an attack upon the corporate rights of the citizens of Dublin, by an attempt to impose a disaffected lord mayor upon them contrary to the law. Fortunately, my lords, this wicked conspiracy was defeated by the virtue of the people. I will read to your lordships the resolutions of a committee of the house of commons on the subject.

“ 1st. Resolved, that it is the opinion of this committee, that soon after the arrival of sir Constantine Phipps, late lord chancellor, and one of the lords justices in this kingdom, in the year 1710, a design was formed and carried on to subvert the constitution and freedom of elections of magistrates of corporations within the new rules, in order to procure persons to be returned for members of parliament, disaffected

to the settlement of the crown, or his majesty and his royal issue."

"2d. Resolved, that it is the opinion of this committee, that in pursuance of that design, indirect and illegal methods were taken to subvert the ancient and legal course of electing magistrates in the city of Dublin."

"3d. Resolved, that it is the opinion of this committee, that the said sir Constantine Phipps, and those engaged in that evil design, in less than five months, in the year 1711, procured six aldermen duly elected lord mayors, and fourteen substantial citizens, duly elected sheriffs, and well known to be zealously affected to the protestant succession, and members of the established church, to be disapproved, on pretence that alderman Robert Constantine, as senior alderman, who had not been mayor, had a right to be elected lord mayor."

"4th. Resolved, that it is the opinion of this committee that the senior alderman who had not served as mayor, had not any right by charter, usage or by law, in force in the city of Dublin, as such, to be elected lord mayor."

"5th. Resolved, that it is the opinion of this committee, that the said sir Constantine Phipps, and his accomplices, being unable to support the pretended right of seniority, did, in the year 1713, set up a pretended custom or usage for the mayor, in being, to nominate three persons to be in election for lord mayor, one of whom the aldermen were obliged to choose lord mayor."

*Lord chancellor.*—Can you think, Mr. Curran that these resolutions of a committee of the house of commons can have any relation whatsoever to the present subject?

*Mr. Curran.*—I hope, my lords, you will think they have much relation indeed to the subject before you. The weakness of the city was the mischief which occasioned the act of parliament in question: to give the city strength, was the remedy. You must construe the law so as to suppress the former, and



advance the latter. What topicks then, my lords, can bear so directly upon the point of your inquiry, as the perils to be apprehended from that weakness, and the advantages to be derived from that strength? What argument then can be so apposite, as that which is founded on undeniable facts? Or what authority so cogent as the opinion of the representative wisdom of the nation, pronounced upon those facts, and transmitted to posterity upon record? On grounds like these, for I can conceive no other, do I suppose the rights of the city were defended in the time to which I have alluded; for it appears by the records which I have read, that the city was then heard by her counsel; she was not denied the form of defence, though she was denied the benefit of the law. In this very chamber did the chancellor and judges sit, with all the gravity and affected attention to arguments in favour of that liberty and those rights which they had conspired to destroy. But to what end, my lords, offer arguments to such men? A little and a peevish mind may be exasperated, but how shall it be corrected by refutation? How fruitless would it have been to represent to that wretched chancellor, that he was betraying those rights which he was sworn to maintain, that he was involving a government in disgrace, and a kingdom in panick and consternation; that he was violating every sacred duty, and every solemn engagement that bound him to himself, his country, his sovereign, and his God?—Alas, my lords, by what argument could any man hope to reclaim or to dissuade a mean, illiberal, and unprincipled minion of authority, induced by his profligacy to undertake, and bound by his avarice and vanity to persevere! He would probably have replied to the most unanswerable arguments, by some curt, contumelious, and unmeaning apophthegm, delivered with the fretful smile of irritated self-sufficiency and disconcerted arrogance; or even, if he could be dragged by his fears to a consideration of the question, by what miracle could the pigmy capacity of a stunted pedant be enlarged to a reception of the subject? The

endeavour to approach it would have only removed him to a greater distance than he was before; as a little hand that strives to grasp a mighty globe, is thrown back by the re-action of its own effort to comprehend.—It may be given to a Hale, or a Hardwicke, to discover and retract a mistake; the errors of such men are only specks that arise for a moment upon the surface of a splendid luminary; consumed by its heat, or irradiated by its light, they soon purge and disappear: but the perversenesses of a mean and narrow intellect, is like the excrescences that grow upon a body naturally cold and dark: no fire to waste them, and no ray to enlighten, they assimilate and coalesce with those qualities so congenial to their nature, and acquire an incorrigible permanency in the union with kindred frost and kindred opacity. Nor indeed, my lords, except where the interest of millions can be affected by the folly or the vice of an individual, need it be much regretted that to things not worthy of being made better, it hath not pleased Providence to afford the privilege of improvement.

*Lord Chancellor.*—Surely, Mr. Curran, a gentleman of your eminence in your profession, must see that the conduct of former privy councils, has nothing to do with the question before us. The question lies in the narrowest compass; it is merely whether the commons have a right of arbitrary and capricious rejection, or are obliged to assign a reasonable cause for their disapprobation. To that point you have a right to be heard, but I hope you do not mean to lecture the council.\*

*Mr. Curran.*—I mean, my lords, to speak to the case of my clients, and to avail myself of every topick of defence which I conceive applicable to that case. I am not speaking to a dry point of law, to a single

\* From the frequent interruptions experienced by Mr. Curran in this part of his speech, it would appear that Lord Clare perceived that the description of sir Constantine Phipps was intended for himself.



judge, and on a mere forensick subject ; I am addressing a very large auditory, consisting of co-ordinate members, of whom the far greater number is not versed in law. Were I to address such an audience on the interests and rights of a great city, and address them in the hackneyed style of a pleader, I should make a very idle display of profession, with very little information to those that I address, or benefit to those in whose behalf I have the honour to be heard. I am aware, my lords, that truth is to be sought only by slow and painful progress ; I know also that error is in its nature flippant and compendious, it hops with airy and fastidious levity over proofs and arguments, and perches upon assertion, which it calls conclusion.

Here the lord chancellor moved to have the chamber cleared. After some time the doors were opened.\*

My lords, I was regretting the necessity which I am under of trespassing so much on that indulgent patience with which I feel I am so honoured. Let me not however, my lords, be thought so vainly presumptuous as to suppose that condescension bestowed merely upon me. I feel, how much more you owe it to your own dignity and justice, and to a full conviction that you could not be sure of deciding with justice, if you did not hear with temper.

As to my part, my lords, I am aware that no man can convince by arguments which he cannot clearly comprehend, and make clearly intelligible to others ; I consider it therefore, not only an honour, but an advantage to be stopped when I am not understood. So much confidence have I in the justice of my cause, that I wish any noble lord in this assembly would go with me step by step through the argument. One good effect would inevitably result : I should either have the honour of convincing the no-

\* During the exclusion of strangers, it was understood that lord Clare moved the council, that Mr. Curran should be restrained by their lordships' authority from proceeding further in that line of argument he was then pursuing : but his lordship being overruled, Mr. Curran proceeded.

ble lord or, the publick would, by my refutation, be satisfied that they are in the wrong. With this wish, and if I may presume to say so, with this hope, I will proceed to a further examination of the subject.

It is a rule of law, that all remedial acts shall be so construed as to suppress the mischief, and advance the remedy. Now a good cause of rejection can mean only a legal cause: that is, a cause working an incapacity in the person executing a corporate franchise: that is, of course, such a cause as would justify a judgment of ouster against him by a court of law, if actually in possession of such franchise; or warrant his amoval, by an act of the corporation itself. There are three sorts of offences for which a corporator may be amoved; first, such as have no immediate relation to his office, but are in themselves of so infamous a nature as to render the offender unfit to exercise any publick franchise; secondly, such as are *only* against his oath, and the duty of his office as a corporator, and amount to a breach of the tacit condition annexed to his franchise or office; the third sort of offence for which an officer or corporator may be displaced is of a mixed nature, as being an offence not only against the duty of his office, but also a matter indictable at common law.

For the first species of offences, a corporation can in no case amove without a previous indictment and conviction in a court of common law. For the other offences, it has a power of trial, as well as a motion.

To this let me add, that the office of alderman, is as much a corporate office as that of lord mayor, and the legal cause that disqualifies the one, must equally disqualify the other: but the person chosen to be mayor must be an alderman at the time of his election, and the law, of course, cannot suppose a man, actually in possession of a corporate franchise, to labour under any corporate or legal incapacity: does it not then, my lords, follow irresistibly, that the law cannot intend to confine the power of rejection, which it expressly gives, to a legal incapacity, which



without the grossest absurdity it cannot suppose to exist?

But let us assume, for argument sake; however in defiance of common sense, that the legislature did suppose it possible, that such an incapacity might exist; what new privilege does a power of rejection for such cause give to the commons? And it is admitted by the learned counsel, "that this statute made a great enlargement, indeed, in their powers." Before the act was made, any corporator subject to a personal disqualification, was removable by the ordinary course of law; to give the commons therefore, only a power of preventing a man, legally disqualified from serving a corporate office, was giving them nothing which they had not before.

What sort of construction then, my lords, must that be which makes the legislature fall into the ridiculous absurdity of giving a most superfluous remedy for a most improbable mischief? And yet it is not in a nursery of children, nor a bedlam of madmen; but it is in an assembly the most august that this country knows of, that I am obliged to combat this perversion of sense and of law. In truth, my lords, I feel the degradation of gravely opposing a wild chimera, that could not find a moment's admission into any instructed or instituted mind; but I feel also, that they who stoop to entertain it only from the necessity of exposing and subduing it, cannot at least be the first object of that degradation.

Let me then, my lords, try this construction contended for by another test. If the act must be construed so as to say that the commons can reject only for a legal cause to be assigned, it must be so construed, as to provide for all that is inseparably incident, and indispensably necessary to carrying that construction into effect; that is, it must provide a mode, in which four things may be done:

First, a mode in which such cause shall be assigned.

Secondly, a mode in which the truth of the fact of such cause, shall be admitted or controverted.

Thirdly, a mode by which the truth of such fact, if controverted, shall be tried; and,

Fourthly, a mode by which the validity of such cause, when ascertained in fact, shall be judged of in law. To suppose a construction, requiring a reason to be assigned, without providing for these inevitable events, would be not the error of a lawyer, but would sink beneath the imbecility of an infant.

Then, my lords, as to the first point: how is the cause to be assigned? The law expressly precludes the parties from any means of conference, by enacting, that they shall "sit apart and by themselves." The same law says, "that the rejection or disapprobation shall be by ballot only, and not otherwise." Now when the law gives the commons a power of rejecting by ballot, it gives each individual a protection against the enmity which he would incur from the rejected candidate; but if you say that the rejection shall be null and void, unless fortified by the assignment of legal cause, see, my lords, what you labour to effect. Under this supposed construction, you call upon the voters who rejected by a secret vote, to relinquish that protection of secrecy which the law expressly gives them; unless, my lords, the sagacity, that has broached this construction, can find out some way by which the voters can justify why he voted against a particular candidate, without disclosing also, that he did in fact vote against that candidate.

Let me, however, suppose that inconsistency reconciled, and follow the idea.

The name of alderman James is sent down, and the commons certify his rejection; an ambassadour is then sent to demand of the commons the cause of this rejection. They answer, "Sir, we have rejected by ballot, and they who voted against him are protected by the law from discovering how they voted;" to which the ambassadour replies, 'Very true, gentlemen, but you mistake their worships' question; they do not desire you to say who rejected



Mr. James, for in that they well know they could not be warranted by law ; they only desire to know why a majority has voted against Mr. alderman James.' This, my lords, I must suppose to be a mode of argument not unbecoming the sagacity of aldermen, since I find it gives occasion to a serious question before so exalted an assembly as I have now the honour to address ; I will, therefore, suppose it conclusive with the commons ; a legal reason must be assigned for their rejection. Pray, my lords, who is to assign that legal reason ? Is it the minority who voted for the rejected candidate ? I should suppose not ; it must be then the majority who voted for the rejection. Pray, my lords, who are they ? By what means shall they be discovered ?

But I will suppose that every member of the commons is willing to adopt the rejection, and to assign a cause for it. One man, suppose a friend of the rejected candidate, alleges a cause of a rejection in which he did not in reality concur, and which cause he takes care shall be invalid and absurd ; as, for instance, the plumpness of the person of Mr. James ; if he did not vote for the rejection, he can have no right to assign a cause for it ; the question then is, did he vote for the rejection ? I beg leave, my lords, to know how that is to be tried ?

But suppose, to get rid of a difficulty, otherwise insurmountable, it shall be agreed in direct contradiction to common sense and justice, that every member of the commons shall be authorized to assign a legal cause of rejection ; (and in truth if he may assign one, he may assign more than one, if he is disposed to do so.) Suppose then, my lords, that one hundred and forty-six causes are assigned, for such may be the number, though no one member assigns more than a single cause ; if they may be all assigned, they must be all disposed of according to law ; but which shall be first put into a course of trial ? How shall the right of precedence be decided ? But I will suppose that also settled, and a single cause is assigned ; that cause must be a legal disability of some of the kinds which

I have already mentioned; for there cannot be any other. The cause then assigned, in order to prevail, must be true in fact and valid in law, and amount to a legal incapacity. And here, let me observe, that a legal cause of incapacity, as it can be founded only on the commission of an infamous crime, or of some fact contrary to the duty and oath of a corporator, must, if allowed, imprint an indelible stigma on the reputation of the man so rejected. I ask, then, is the accusation of malignity, or credulity, or folly to be taken for true? Or shall the person have an opportunity of defending himself against the charge? The cause for which he can be rejected is the same with the cause for which he can be disfranchised; they are equally causes working an incapacity to hold a corporate franchise; their consequences are the same to the person accused; loss of franchise, and loss of reputation. The person accused therefore, if by the construction of a statute he is exposed to accusation, must by the same construction be entitled to every advantage in point of defence, to which a person so accused is entitled by the general law of the land. What, then, are those advantages to which a corporator is entitled, when charged with any fact as a foundation of incapacity or disfranchisement? He must have due and timely notice of the charge, that he may prepare for his defence. Every corporator must have timely and express notice of the specifick charge against him, that nothing may be done by surprise on either side. Now, my lords, you will condescend to observe, that the time supposed by this statute for the whole business of election is a single day; is it then possible to give every member of the board of aldermen, for each of them may be a candidate, due notice of every charge of legal disability that may be possibly made against them? Or if it be not, as it manifestly is not, will you, my lords, create a construction which exposes any subject of the land to trial without notice, and to conviction and forfeiture without that opportunity of defence to



which he is entitled of natural justice and common right?

But I will suppose that your lordships may adopt this construction, however it may supersede the right of the subject and the law of the land; I will suppose that the candidate may be accused at a moment's warning.—Is bare accusation to hold the place of conviction? Shall the alderman, whose name is sent down, and who is rejected for an alleged personal disability, have an opportunity of defending himself against the charge of the commons? He cannot have the privilege of the meanest felon, of standing before his accusers, for, as an alderman, he must remain with his brethren, "separate and apart by themselves." He cannot then plead for himself in person, nor by the law can he depute an attorney to defend in his name, for the commons are not authorized to admit any strangers amongst them. It is therefore utterly out of his power to deny the charge against him, however false in fact it may happen to be.

But I will suppose, if you please, that the charge is denied, and issue joined upon the fact. I beg leave to ask, if this supposed construction provides any mode of calling the jury, or summoning the witnesses, on whose testimony, and on whose verdict a citizen is to be tried upon a charge of corporate or legal culpability? But let me, my lords, with the profoundest respect, press this wicked and silly nonsense a little further. Suppose the charge admitted in fact, but the validity of it denied; who, my lords, is to judge of it by virtue of this construction? A point of law is to be decided between the lord mayor and aldermen who have chosen, and the commons who have rejected. What is the consequence? If the lord mayor and aldermen decide, they judge in their own cause; if the commons decide, they judge in their own cause, contrary to the maxim "*Nemo iudex in propria causa.*" Can you then, my lords, think yourselves warranted in adopting a construction, which supposes a legal charge to be made, in which the accused has not the advantage of notice, or the

means of defence, or of legal trial, and on which if any judgment be pronounced, it must be pronounced by the parties in the cause, in direct opposition to the law of the land.

But, my lords, it seems all these defects in point of accusation, of defence, of trial, and of judgment, as the ingenious gentlemen have argued, are cured by the magical virtue of those beans, by whose agency the whole business must be conducted.

If the law had permitted a single word to be exchanged between the parties, the learned counsel confess that much difficulty might arise in the events which I have stated; but they have found out that all these difficulties are prevented or removed by the beans and the ballot. According to these gentlemen, we are to suppose one of those unshaven demagogues, whom the learned counsel have so humorously described, rising in the commons when the name of alderman James is sent down. He begins by throwing out a torrent of seditious invective against the servile profligacy and liquourish venality of the board of aldermen. This he does by beans. Having thus previously inflamed the passions of his fellows, and somewhat exhausted his own, his judgment collects the reins that floated on the neck of his imagination, and he becomes grave, compressed, sententious, and didactick. He lays down the law of personal disability, and corporate criminality, and corporate forfeiture, with great precision, with sound emphasis and good discretion, to the great delight and edification of the assembly, and this he does by beans.—He then proceeds, my lords, to state the specifick charge, against the unfortunate candidate for approbation, with all the artifice and malignity of accusation, scalding the culprit in tears of affected pity, bringing forward the blackness of imputed guilt through the varnish of simulated commiseration; bewailing the horror of his crime, that he may leave it without excuse; and invoking the sympathy of his judges, that he may steel them against compassion—and this, my lords, the unshaved demagogue doth



by beans. The accused doth not appear in person, for he cannot leave his companions, nor by attorney, for his attorney could not be admitted—but he appears and defends by beans.—At first, humble and deprecatory, he conciliates the attention of his judges to his defence, by giving them to hope that it may be without effect; he does not alarm them by any indiscreet assertion that the charge is false, but he slides upon them arguments to show it improbable; by degrees, however, he gains upon the assembly, and denies and refutes, and recriminates and retorts—all by beans—until at last he challenges his accuser to a trial, which is accordingly had, in the course of which the depositions are taken, the facts tried, the legal doubts proposed and explained—by beans—and in the same manner the law is settled with an exactness and authority that remains a record of jurisprudence, for the information of future ages; while at the same time the “harmony” of the metropolis is attuned by the marvellous temperament of jarring discord; and the “good will” of the citizens is secured by the indissoluble bond of mutual crimination, and reciprocal abhorrence.

By this happy mode of decision, one hundred and forty-six causes of rejection (for of so many do the commons consist, each of whom must be entitled to allege a distinct cause) are tried in the course of a single day, with satisfaction to all parties.

With what surprise and delight must the heart of the fortunate inventor have glowed, when he discovered those wonderful instruments of wisdom and of eloquence, which, without being obliged to commit the precious extracts of science, or persuasion, to the faithless and fragile vehicles of words or phrases, can serve every process of composition or abstraction of ideas, and every exigency of discourse or argumentation, by the resistless strength and infinite variety of beans, white or black, or boiled, or raw; displaying all the magick of their powers in the mysterious exertions of dumb investigation, and

mute discussion; of speechless objection and tongue-tied refutation!

Nor should it be forgotten, my lords, that this notable discovery does no little honour to the sagacity of the present age, by explaining a doubt that has for so many centuries perplexed the labour of philosophick inquiry; and furnishing the true reason, why the pupils of Pythagoras were prohibited the use of beans. It cannot, I think, my lords, be doubted that the great author of the metempsychosis, found out that those mystick powers of persuasion, which vulgar naturalists supposed to remain lodged in minerals, or fossils, had really transmigrated into beans. And he could not, therefore, but see that it would have been fruitless to preclude his disciples from mere oral babbling, unless he had also debarred them from the indulgence of vegetable loquacity.

My lords, I have hitherto endeavoured to show, and I hope not without success, that this act of parliament gives to the commons a peremptory right of rejection. That the other construction gives no remedy whatsoever for the mischief which occasioned its being passed; and cannot by any possible course of proceeding be carried into effect. I will take the liberty now of giving an answer to some objections relied upon by the counsel for Mr. James, and I will do it with a conciseness, not I trust, disproportioned to their importance.

They say, that a peremptory rejection in the commons takes away all power whatsoever from the board of aldermen. To that I answer, that the fact and the principle is equally against them: the fact, because that board is the only body from which a lord mayor can be chosen; and has, therefore, the very great power that results from exclusive eligibility; the principle, because if the argument be, that the lord mayor and aldermen ought to have some power in such election; by a parity of reason so ought the commons, who, if they can reject only for a legal incapacity, will be clearly ousted of all authority whatsoever in such election, and be re-



duced to a state of disfranchisement by such a construction.

The gentlemen say, that your lordships can only inquire into the *prima facie* title, and that the claim of Mr. James, is *prima facie*, the better claim.

I admit, my lords, you are not competent to pronounce any judgment that can bind the right. But give me leave to observe, first, that the question, upon which you yourselves have put this inquiry, is a question applicable only to the very right, and by no possibility applicable to a *prima facie* title.

One of your lordships has declared the question to be, "Whether by the common law, a mere power of approbation or rejection can supersede a power of election?" If that question is warranted in assuming the fact, give me leave to say, that the answer to it goes directly to the right, and to nothing else. For, if the commons are bound by law to assign a cause of rejection, and have not done so, Mr. James has clearly the legal right of election; and Mr. Howison has no right or title whatsoever.

But I say further; the mode of your inquiry makes it ridiculous to argue, that you have not entered into any disquisition of the right. Why, my lords, examine witnesses on both sides? Why examine the books of the corporation? Why examine into every fact relating to the election?

I cannot suppose, my lords, that you inquired into facts, upon which you thought yourselves incompetent to form any decision. I cannot suppose you to admit an extrajudicial inquiry, by which the members of a corporation may be drawn into admissions that may expose them to the future danger of prosecution or disfranchisement.

I hope, my lords, I shall not be deemed so presumptuous, as to take upon me to say, why you have gone into these examinations. It is not my province to justify your lordships' proceeding. It stands upon your own authority. I am only answering an argument, and I answer it by showing it inconsistent with that proceeding.

Let me, my lords, pursue the idea a little further. Are you only inquiring into a *prima facie* title? What is a *prima facie* title? I conceive it to be a title, not which may possibly be found a good one upon future examination; but, which is good and valid, and must prevail, unless it be opposed and defeated by another which may possibly be adduced, but which does not then appear. So in an ejectment at law, for instance, a plaintiff must make a title, or he is nonsuited. If he makes out a legal title *in omnibus*, the court declares it a *prima facie* title, that is a title conclusive as to the right, unless a better shall be shown; and accordingly calls on the defendant to show such better title if he can. The moment the defendant produces his title, the question of *prima facie* title is completely at an end; and the court has no longer any question to decide upon, but the very merits, and this for a plain reason. The question, whether *prima facie* a good title or not, is decided upon the single ground that no other title then appears with which the title shown can be compared. In short, my lords, "whether *prima facie* good, is a question confined only to the case of a single title, and cannot be applied, without the grossest absurdity, to a case where you have both the titles actually before you. It may be the question in case of a single return. In case of a double return, as here, it cannot by any possibility be the question.

But, my lords, let me carry this a little further.— You have both the titles before you. You have yourselves declared, that the question turns upon the construction of this act of parliament, which enacts also, "That it shall be deemed a publick act, in all courts and in all places."

Now it is contended, the construction of the act is *prima facie*, in favour of Mr. James.

May I presume to ask, what does the *prima facie* construction of a statute import? It must import, if it import any thing, that meaning which, for aught then appearing, is true; but may possibly, because of something not then appearing, turn out not to be



so. Now, nothing can possibly be opposed to that *prima facie* construction, save the act itself. A *prima facie* construction of a statute, therefore, can be nothing but the opinion that rises in the mind of a man, upon a single reading of it, who does not choose to be at the trouble of reading it again. In truth, my lords, I should not have thought it necessary to descend to this kind of argumentation, if it had not become necessary for me to do so, by an observation coming from one of your lordships,\* “That the letter of the act would bear out the commons in their claim, but that the sound construction might be a very different thing.” I will, therefore, add but another word upon this subject. If a *prima facie* construction be sufficient to decide, and if the commons have the letter of the law in their favour, I would ask with the profoundest humility, whether your lordships will give the sanction of your high authority to a notion, that in statutes made to secure the liberties of the people, the express words in which they are written, shall not be at least a *prima facie* evidence of their signification?

My lords, the learned counsel have been pleased to make a charge against the citizens of Dublin, “for their tests and their cavalcadings” on a late occasion; and they have examined witnesses in support of their accusation. It is true, my lords, the citizens did engage to the publick and to one another, that they would not vote for any candidate for corporate office or popular representation, who had any place in the police establishment: but I would be glad to know by what law it is criminal in freemen to pledge themselves to that conduct, which they think indispensably necessary to the freedom of their country. The city of Dublin is bound to submit to whatever mode of defence shall be devised for her by law, while such law shall continue unrepealed; but I would be glad to learn, by what law they are bound not to abhor the police institution, if it appears to them to be an insti-

\* Lord Clare.

tution, expensive, and ineffectual, inadequate to their protection, and dangerous to their liberty; and that they do think it so cannot be doubted. Session after session has the floor of the senate been covered with their petitions, praying to be relieved against it, as an oppressive, a corrupt, and therefore an execrable establishment.

True it is also, my lords, they have been guilty of those triumphant processions, which the learned counsel have so heavily condemned. The virtue of the people stood forward to oppose an attempt to seize upon their representation, by the exercise of a dangerous and unconstitutional influence, and it succeeded in the conflict; it routed and put to flight that corruption, which sat, like an incubus on the heart of the metropolis, chaining the current of its blood, and locking up every healthful function and energy of life. The learned counsel might have seen the city pouring out her inhabitants, as if to share the general joy of escaping from some great calamity, in mutual gratulation and publick triumph.\* But why does the learned counsel insist upon this subject before your lordships? Does he think such meetings illegal? He knows his profession too well, not to know the reverse.—But does he think it competent to the lord lieutenant and council of Ireland, to take cognizance of such facts, or to pronounce any opinion whatever, concerning the privileges of the people? He must know it is not.—Does he then mean that such things may be subjects of your resentment, though not of your jurisdiction? It would have been worth while, before that point had been pressed, to consider between what parties it must suppose the present contest to subsist. To call upon the government of the country to let their vengeance fall upon the people for their resistance of unconstitutional influence, is surely

\* The processions here alluded to, took place on the election of Mr. Grattan and lord H. Fitzgerald, who had been returned for the city of Dublin, in opposition to the court candidates, one of whom was alderman Warren, then at the head of the police establishment.



an appeal not very consistent with the virtuous impartiality of this august assembly. It is only for those who feel defeat, to feel resentment, or to think of vengeance.

But suppose for a moment, (and there never ought to be reason to suppose it) that the opposition of the city had been directly to the views or the wishes of the government. Why are you, therefore, called upon to seize its corporate rights into your hands, or to force an illegal magistrate upon it? Is it insinuated that it can be just to punish a want of complaisance, by an act of lawless outrage and arbitrary power? Does the British constitution, my lords, know of such offences, or does it warrant this species of tyrannical reprisal? And, my lords, if the injustice of such a measure is without defence, what argument can be offered in support of its prudence or policy? It was once the calamity of England to have such an experiment made by the last of the Stuarts, and the last of that unhappy race, because of such experiments. The several corporations of that country were stript of their charters; and what was the consequences? I need not state them; they are notorious: yet, my lords, there was a time when he was willing to relinquish what he had so weakly and wickedly undertaken; but there is a time when concession comes too late to restore either publick quiet, or publick confidence; and when it amounts to nothing more than an acknowledgment of injustice; when the people must see, that it is only the screen behind which oppression changes her attack, from force to fraud, from the battery to the mine. See then, my lords, how such a measure comes recommended; its principle injustice, its motive vengeance, its adoption sanctioned by the authority of a tyrant, or the example of a revolution.

My lords, the learned counsel has made another observation which I cannot pass without remark; it is the last with which I shall trouble you. He says, the commons may apply to the law, and bring an information in *quo warranto*, against Mr. James,

though you should give him your approbation: that is, my lords, your judgment does not bind the right, it only decides the possession of the office. To this I answer, that in this case to decide on the possession is, in fact, to decide the contest; and I found that answer on the high authority of the noble lord, who was pleased to say that "when the city had spent three years in the king's bench, she would probably grow sick of the contest."\* I was not surprised, my lords, to hear an expression of that regret which must arise in every worthy mind, and I am sure the noble lord sincerely felt, at the distress of a people, reduced to defend those rights which ought never to have been attacked, and to defend them in a way by which they could not possibly succeed. The truth is, as the noble lord has stated, the time of Mr. James's mayoralty would expire in a year, and the question of law could not be terminated in three. The present contest, therefore, cannot be decided by law. How, then, my lords, is it to be decided? Are the people to submit tamely to oppression, or are they to struggle for their liberties? I trust, my lords, you will think they have not done any thing so culpable as can justify the driving them to so calamitous a necessity; for fatal must that struggle be, in whatsoever country it shall happen, in which the liberties of a people can find no safety but in the efforts of vindictive virtue; fatal to all parties whatever may be the event. But, my lords, I feel this to be a topick on which it is neither my province nor my wish to expatiate, and I leave it the more willing, because I know that I have already trespassed very long upon your patience, and also, because I cannot relinquish a hope, that the decision of your lordships this day will be such as shall restore the tranquillity of the publick mind, the mutual confidence between the government and the people, and make it unnecessary for any man to pursue so painful a subject.

\* The lord chancellor.



## MR. FOX'S SPEECH,

ON MR. WHITBREAD'S RESOLUTIONS RESPECTING THE RUSSIAN  
ARMAMENT, DELIVERED IN THE HOUSE OF COMMONS,  
MARCH 1, 1792.

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TO protect the Ottoman empire against those designs of criminal ambition with which, in the late war it was menaced, by the alarming coalition of the two great powers then opposed to it, Mr. Pitt, with the enlarged, liberal, and long-sighted wisdom which eminently distinguishes the whole of the external policy of his administration, entered into an alliance with that distressed court and induced Prussia, Holland, and Sweden to become parties. A confederacy, thus authoritative, could not fail to produce the end to which it was directed. Austria, at once, concluded a separate peace, and Russia despairing of her ability to maintain the unequal contest alone, soon afterwards consented to open a negotiation. To the requisition of the allies *of an entire restoration of her conquests made during the war*, she finally acceded, with the reservation of *the town of Oczakow and its dependencies*, which she insisted on retaining. Though a remote and barren spot, this possession was not destitute of importance. It guarded the dominions of Russia against the irruptions of the Tartars, and commanded an entrance into Turkey. Finding his pacifick exertions unavailing, Mr. Pitt resolved to extort by force a concession of the point in dispute, and having previously secured the concurrence of the allies, he prepared by a forni-

dable naval armament to execute the determination of his government.

But, when the message of the king which recommended this hostile measure came under the consideration of parliament, the conduct of ministers towards Russia was severely arraigned by a respectable minority, and the expediency of a war with her for the "*recovery of a sterile district in the barbarous recesses of Tartary,*" ridiculed and decried.

The opposition certainly spoke the language of the nation, and especially of the merchants and manufacturers, whose interests were more immediately concerned.—Ministers ascertained of the fact, did not choose to risk their influence by embarking in an unpopular war, and therefore terminated the quarrel by yielding the "*bone of contention.*"

Elated with their supposed triumph, the opposition thought, while standing on the "*vantage ground,*" to push their success, and accordingly on the 1st of March, 1792, the subsequent resolutions, censuring the ministry, were moved in the house of commons, each of which was, however, negatived by a large majority.

1. "*That no arrangement, respecting Oczakow and its district, appears to have been capable of affecting the political or commercial interests of this country, so as to justify any hostile interference on the part of Great Britain between Russia and the Porte.*"

2. "*That the interference of Great Britain for the purpose of preventing the cession of the said fortress, and its district, to the empress of Russia, has been wholly unsuccessful.*"

3. "*That his majesty's ministers in endeavouring, by means of an armed force, to compel the empress of Russia to abandon her claim to Oczakow and its district, and in continuing an armament, after the object for which it was proposed had been relinquished, have been guilty of gross misconduct, tending to incur unnecessary expense, and to diminish the influence of the British nation in Europe.*"



In the debate on these propositions, Mr. Fox delivered the present speech, to which his admirers have delighted to recur "as one of the most brilliant efforts of his genius, and as illustrating with unusual fidelity, the peculiar traits of his eloquence."

The speech of the minister on the occasion has been very imperfectly preserved, yet meagre as the report is, we distinctly discern in it his "*accustomed aptitude for defence, and his quickness at reply.*"

### SPEECH, &c.

SIR,

AFTER the challenge which was thrown out to me, in the speech of a right honourable gentleman,\* last night, I consider it my duty to trouble you somewhat at length on this important question. But before I enter into the consideration of it, I will explain why I did not obey a call made, and repeated several times, in a manner not very consistent either with the freedom of debate, or with the order which the right honourable gentleman himself has prescribed for the discussion of this day. Why any members should think themselves entitled to call on an individual in that way, I know not: but why I did not yield to the call is obvious. It was said by an honourable gentleman last night to be the wish of the minister to hear all that could be said on the subject, before he should rise to enter into his defence. If so, it certainly would not become me to prevent him from hearing any other gentleman who might be inclined to speak on the occasion; and as he particularly alluded to me, I thought it respectful to give way to gentlemen, that I might not interrupt the course which he has chosen for himself, as it seems he reserves himself till I have spoken. This call on me is of a singular nature. A minister is accused of having rashly engaged the country in a measure by which we have suffered disaster and disgrace, and when a motion of censure is made, he

\* Mr. Dundas.

chooses to reserve himself, and speak after every one, that no means may be given to reply to his defence—to expose its fallacy if fallacious—or to detect its misrepresentations, if he shall choose to misrepresent what may be said. If the right honourable gentleman is truly desirous of meeting the charges against him, and he has confidence in his ability to vindicate his conduct, why not pursue the course which would be manly and open? Why not go into a committee, as was offered him by the honourable gentleman who made the motion,\* in which the forms of this house would have permitted members on each side to answer whatever was advanced by the other, and the subject would have received the most ample discussion? Instead of this honourable course, he is determined to take all advantages. He screens himself by a stratagem which no defendant in any process in this country could enjoy; since no man put upon his defence in any court of justice could so contrive as not only to prevent all reply to his defence, but all refutation of what he may assert, and all explanation of what he may misrepresent. Such are the advantages which the right honourable gentleman is determined to seize in this moment of his trial; and to confess the truth, never did man stand so much in need of every advantage! never was there an occasion in which a minister was exhibited to this house in circumstances so ungracious, as those under which he at present appears. Last session of parliament we had no fewer than four debates upon the question of the armament, in which the right honourable gentleman involved this country, without condescending to explain the object which he had in view. The minority of this house stood forth against the monstrous measure of involving the country, without unfolding the reason. The minister proudly and obstinately refused, and called on the majority to support him. We gave our opinion at large on the subject, and with effect, as it turned out, on the publick

\* Mr. Whitbread.



mind. On that of the right honourable gentleman, however, we were not successful; for what was his conduct? He replied to us, "I hear what you say—I could answer all your charges, but I know my duty to my king too well to submit at this moment to expose the secrets of the state, and to lay the reasons before you of the measure on which I demand your confidence. I choose rather to lie for a time under all the imputations which you may heap upon me, trusting to the explanations which will come at last." Such was explicitly his language. However I might differ from the right honourable gentleman in opinion, I felt for his situation. There was in this excuse some shadow of reason by which it might be possible to defend him, when the whole of his conduct came to be investigated. I thought it hard to goad him, when, perhaps, he considered it as unsafe to expose what he was doing. But when the conclusion of the negotiation had loosed him from his fetters, when he had cast off the trammels that bound him, I thought that, like the horse described by Homer, (if I remembered I would quote the lines) exulting in the fresh pastures after he had freed himself from the bridle, the right honourable gentleman would have been eager to meet us with every sort of explanation and satisfaction. I thought that, restrained by no delicacy, and panting only for the moment that was to restore him to the means of developing, and of expatiating upon, every part of his conduct that was mysterious; of clearing up that which had been reprobated, of repelling on the heads of his adversaries those very accusations with which they had loaded him—the right honourable gentleman would have had but one wish, that of coming forward in a bold and manly manner, and endeavouring to make his cause good against us, in the face of the world. Has he done so? has he ever given us the means of inquiring fully and fairly into his conduct? No such thing. He lays before us a set of papers, sufficient, indeed, as I shall contend, to found a strong criminal charge of misconduct against him, but evidently mutilated, garbled, and imperfect, with a view

of precluding that full inquiry which his conduct demands, and which we had every reason to expect he would not have shrunk from on this day. We call for more. They are denied us. Why? "Because," say the gentlemen on the other side, "unless the papers now before you show there is ground for accusation, and unless you agree to accuse, it is not safe or proper to grant you more." But is this a *defence* for the right honourable gentleman? Do these papers exculpate him? Directly the reverse. *Prima facie* they condemn him. They afford us, in the first instance, the proof of disappointment. They show us that we have not obtained what we aimed to obtain, and they give us no justification of the right honourable gentleman for that disappointment. I have heard much ingenuity displayed, to maintain that there was no guilt. But what is the fallacy of this argument? When we called for papers during the Spanish negotiation, we were answered, "the negotiation was pending, and it was unsafe to grant them." Very well. But when it was over, and the same reasons for withholding them could not be said to exist, we were told, "Look to the result.—The nation is satisfied with what we have got, and you must lay a ground of criminality before we can admit your principle of calling for papers." Thus we were precluded from all inquiry into that business; but now the right honourable gentleman, conscious that the country feels somewhat differently, admits the ground of criminality to have been laid by producing those documents on your table, imperfect as they are. It is from his own confession, therefore, that I am to pronounce him guilty, until he proves himself not to be so; and it is enough for me to contend, that the papers now before us afford him *prima facie* no justification; but, on the contrary, afford strong proof of his guilt, inasmuch as they evince a complete failure in the object he aimed to extort. Sir, the right honourable gentleman is sensible how much these circumstances render it necessary for him to take every possible advantage his situation can give him. Instead, there-



fore, of showing himself anxious to come forward, or thinking it his duty to explain why it was inconvenient or impolitick for him to state last year the true grounds on which he had called upon us to arm, what was the object of that armament, and why he had abandoned it, he lays a few papers on the table, and contents himself with an appeal unheard of before.—“If you have any thing to say against me, speak out, speak all—I will not say a word till you have done—let me hear you one after another—I will have all the advantage of the game—none of you shall come behind me—for as soon as you have all thrown forth what you have to say, I will make a speech, which you shall not have an opportunity to contradict, and I will throw myself on my majority, that makes you dumb for ever.”—Such is the situation in which we stand, and such is the course which the right honourable gentleman thinks it honourable to pursue!

I cheerfully yield to him the ground he chooses to occupy, and I will proceed, in obedience to the call personally addressed to me, frankly to state the reasons for the vote of censure, in which I shall this night agree. Much argument has been used on topicks, not unfit, indeed, to be mixed with this question, but not necessary; topicks, which undoubtedly may be incidently taken up, but which are not essential to the discussion. In this class I rank what has been said upon the balance of Europe. Whether the insulated policy which disdained all continental connexion whatever, as adopted at the beginning of the present reign—whether the system of extensive foreign connexion, so eagerly insisted on by a young gentleman who spoke yesterday for the first time\*—or whether, the medium between these two, be our interest, are certainly very proper topicks to be discussed, but as certainly not essential topicks to this question. Of the three, I confidently pronounce the middle line the true political course of this country. I think that, in our situation, every conti-

\* Mr. Jenkinson, now Lord Hawkesbury.

mental connexion is to be determined by its own merits. I am one of those who hold that a total inattention to foreign connexions might be, as it has proved, very injurious to this country. But if I am driven to choose between the two extremes, between that of standing insulated and aloof from all foreign connexion, and trusting for defence to our own resources, and that system as laid down in the speech of an honourable gentleman, who distinguished himself so much last night, to the extent to which he pressed it, I do not hesitate to declare that my opinion is for the first of those situations. I should prefer even total disunion to that sort of connexion, to preserve which we should be obliged to risk the blood and the resources of the country in every quarrel and every change that ambition or accident might bring about in any part of the continent of Europe. But in the question before us, I deny that I am driven to either of these extremes. The honourable gentleman, who spoke with all the open ingenuousness, as well as the animation of youth, seemed himself to dread the extent to which his own doctrines would lead him. He failed, therefore, to sustain the policy of the system he described, in that part where it can alone apply, namely, to the degree in which it is necessary for us to support a balance of power. Holland, for instance, he states to be our natural ally. Granted. "To preserve Holland, and that she may not fall into the arms of France, we must make an alliance with Prussia." Good. But Prussia may be attacked by Austria. Then we must make an alliance with the Ottoman Porte, that they may fall on Austria. Well, but the Porte may be attacked by Russia.—Then we must make an alliance with Sweden, that she may fall on Russia. By the way, I must here remind him, that he totally forgot even to mention Poland, as if that country, now become in some degree able to act for itself, from the change in its constitution, was of no moment, or incapable of influencing in any manner this system of treaties and attacks. His natural ingenuity pointed out to him that in casting up the



account of all this, it would not produce a favourable balance for England, and he evaded the consequence of his own principle, by saying, that perhaps Russia would not attack the Porte. For when we speculate on extreme cases, (says the honourable gentleman) we have a right to make allowances. It is fair to expect that when we are in alliance with the Porte, Russia will feel too sensibly the importance of the commercial advantages she enjoys in her intercourse with this country, to risk the loss of them by an attack on her?—Are we then to suppose, in that scene of universal contest and warfare, this ambitious power, who is reproached as perpetually and systematically aiming at the destruction of the Porte, and while the rest of Europe was at peace, has been in a state of restless and unceasing hostility with her, will then be the only power at peace, and let slip so favourable an opportunity of destroying her old enemy, simply because she is afraid of losing her trade with you in the Baltick? If the honourable gentleman means to state this as a rational conjecture, I would ask him to look to the fact. Did her sense of these advantages restrain her in the late war, or compel her to desist from the demands she made before we began to arm? Certainly not. We find from the documents before us, that she adhered to one uniform, steady course, from which neither the apprehension of commercial loss, nor the terrors of our arms, influenced her one moment to recede. What then are we to conclude from this intricate system of balances and counterbalances, and those dangerous theories with which the honourable gentleman seemed to amuse himself? Why, that these are speculations too remote from our policy; that in some parts, even according to the honourable gentleman's argument, they may be defective after all, and consequently, that if the system he builds upon it fails in one of its possibilities, it fails in the whole of them. Such must ever be the fate of systems so nicely constructed.—But it is not true, that the system necessary to enable this country to derive the true benefit from the Dutch alliance,

ought to be founded upon those involved and mysterious politicks which make it incumbent upon us, nay, which prove its perfection, by compelling us to stand forward the principles in every quarrel, the Quixottes of every enterprize, the agitators in every plot, intrigue, and disturbance, which are every day arising in Europe, to embroil one state of it with another. I confess that my opinions fall infinitely short of these perilous extremes; that possibly my genius is too scanty, and my understanding too limited and feeble, for the contemplation of their consequences, and that I can speculate no farther than on connexions immediately necessary to preserve us, safe and prosperous, from the power of our open enemies, and the encroachment of our competitors. This I hold to be the only test by which the merits of an alliance can be tried. I did think, for instance, that when the intrigues of France threatened to deprive us of our ancient ally, Holland, it was wise to interfere, and afterwards to form an alliance by which that evil might be prevented. But push the system further is pernicious. Every link in the chain of confederacies which has been so widely expatiated upon by the member already alluded to, carries us more and more from the just point. By this extension the broad and clear lines of your policy become narrower and less distinct until at last the very trace of them is lost.

Other topicks have been introduced into the discussion. The beginning of the war between Russia and the Porte has been referred to. What possible connexion that has with our armament I know not; but of that I shall have occasion to speak by and by.

I come, however, sir, to a question more immediately before us, and that is, the value and importance annexed in the minds of his Majesty's ministers, to the fortress of Oczakow; and here I must beg leave to say, that they have not once attempted to answer the arguments so judiciously and ably enforced by my honourable friend who made this motion. It was explicitly stated by the gentlemen on the other side, as the only argument for our interfe



rence at all, that the balance of Europe was threatened with great danger, if Oczakow was suffered to remain in the hands of Russia. Of no less importance did ministers last year state this fortress of Oczakow, than as if it were indeed the *talisman*\* on which depended the fate of the whole Ottoman empire.

But if this, from their own admission, was true last year, what has happened to alter its value? If it then excited the alarms of his majesty's ministers for the safety of Europe, what can enable them now to tell us that we are perfectly secure? If it was true that her bare possession of Oczakow would be so dangerous, what must be the terrour of Europe, when they saw our negotiators put Russia into the way of seizing even Constantinople itself? This was the strong argument of my honourable friend,† and which he maintained with such solid reasoning, that not the slightest answer has been given to it. To illustrate the value of Oczakow, however, one honourable gentleman‡ went back to the reign of Elizabeth, and even to the days of Philip and Demosthenes. He told us, that when Demosthenes, urging the Athenians to make war on Philip, reproached them with inattention to a few towns he had taken, the names of which they scarcely knew, telling them that those towns were the keys by which he would in time invade and overcome Greece, he gave them a salutary warning of the danger that impended. But if the opponents of that great orator had prevailed, if they had succeeded in inducing their countrymen to acquiesce in the surrender not only of those towns, but of considerably more, as in the present instance, with what face would he afterwards have declared to his countrymen, "True it was that these sorry and nameless towns were the keys to the Acropolis itself,

\* This is an allusion to part of Mr. Grey's speech, who had quoted a passage from Mr. Hastings's Narrative of the Benares Expedition, to much the same effect.

† Mr. Whitbread.

‡ Mr. Grant.

but you have surrendered them; and what is the consequence? You are now in a state of the most perfect security—you have now nothing to fear—you have now the prospect of sixteen years of peace before you!" I ask, sir, what would have been the reception even of Demosthenes himself, if he had undertaken to support such an inconsistency?

Let us try this, however, the other way. In order to show that his majesty's ministers merit the censure which is proposed, I will admit that the preservation of the Turks is necessary for the security of a balance of power. I trust, at the same time, that this admission, which I make merely for the argument, will not be disingenuously quoted upon me, as hypothetical statements too commonly are, for admissions of fact. What will the right honourable gentleman gain by it? The Turks, by his arrangement, are left in a worse situation than he found them. For previous to his interference, if Russia had gone to Constantinople, he would have been unfettered by the stipulations which bind him now, and he and his ally might have interfered, to save the Porte from total destruction. But at present, the possible and total extirpation of the Ottoman power is made to depend on a point so precarious, as their accepting the proposal which the right honourable gentleman thought fit to agree to for them, within the space of four months. And what is this proposal? Why, that the Turks should give up not only the object of the war they had begun, but this very Oczakow, which of itself was sufficient, in the hands of Russia, to overturn the balance. If, therefore, it was so important to recover Oczakow, it is not recovered, and ministers ought to be censured. If unimportant, they ought never to have demanded it. If so unimportant, they ought to be censured for arming; but if so important as they have stated it, they ought to be censured for disarming without having gotten it. Either way, therefore, the argument comes to the same point, and I care not on which side the gentlemen choose to take it up: for whether Ocza-



know be, as they told us last year, the key to Constantinople, on the preservation of which to Turkey the balance of Europe depended, or, as they must tell us now, of no comparative importance, their conduct is equally to be condemned for disarming, and pusilanimously yielding up the object, in the first instance; for committing the dignity of their sovereign and hazarding the peace of their country, in the second. But they tell us, it is unfair to involve us in this dilemma. There was a middle course to be adopted. Oczakow was certainly of much importance; but this importance was to be determined upon by circumstances. Sir, we are become nice indeed in our political arithmetick! In this calculating age, we ascertain to a scruple what an object is really worth. Thus it seems that Oczakow was worth an armament, but not worth a war: it was worth a threat, but not worth carrying that threat into execution. Sir, I can conceive nothing so degrading and dishonourable, as such an argument. To hold out a menace, without ever seriously meaning to enforce it, constitutes, in common language, the true description of a bully. Applied to the transactions of a nation, the disgrace is deeper, and the consequences fatal to its honour. Yet such is the precise conduct the king's ministers have made the nation hold in the eyes of Europe, and which they defend by an argument, that, if urged in private life, would stamp a man with the character of a coward and a bully, and sink him to the deepest abyss of infamy and degradation. Sure I am, that this distinction never suggested itself to the reflection of a noble duke,\* whose conduct throughout the whole of this business has evinced the manly character of his mind, unaccustomed to such calculations! From him we learn the fact. He said in his place, that his colleagues thought it fit to risk a threat to recover Oczakow, but would not risk a war for it. Such conduct was not for him. It might suit the characters of his colleagues in office; it could not his. But they say, it might be worth a war with

\* Duke of Leeds.

the publick opinion, but worth nothing without it. I cannot conceive any case, in which a great and wise nation, having committed itself by a menace, can withdraw that menace without disgrace. The converse of the proposition I can easily conceive. That there may be a place, for instance, not fit to be asked at all, but which being asked for, and with a menace, it is fit to insist upon. This undoubtedly goes to make a nation, like an individual, cautious of committing itself, because there is no ground so tender as that of honour. How do ministers think on this subject? Oczakow was every thing by itself, but when they added to Oczakow the honour of England, it became nothing. Oczakow, by itself, threatened the balance of Europe. Oczakow and national honour united weighed nothing in the scale. Honour is, in their political arithmetick, a *minus* quantity, to be subtracted from the value of Oczakow. Sir, I am ashamed of this reasoning; nor can I reflect on the foul stain it has fixed on the English name, without feeling mortified and humbled indeed! Their late colleague, the noble duke, urged his sentiments with the feelings that became him; feelings that form a striking contrast to those that actuate the right honourable gentleman. He told his country, that when he had made up his mind to the necessity of demanding Oczakow, it was his opinion that it might have been obtained without a war: but having once demanded it, he felt it his duty not to shrink from the war that might ensue from the rejection of that demand, and preferred the resignation of his office to the retracting that opinion. Far different was the conduct of the right honourable gentleman, though his advice was the same; and small were the scruples he felt in tarnishing the honour of his sovereign, whose name he pledged to this demand, and afterwards obliged him to recede from it.

They tell us, however, and seem to value themselves much upon it, that in abandoning the object for which they had armed, they acted in conformity to publick opinion. Sir, I will fairly state my senti-



ments on this subject. It is right and prudent to consult the publick opinion. It is frequently wise to attend even to publick prejudices, on subjects of such infinite importance, as whether they are to have war or peace. But if, in the capacity of a servant to the crown, I were to see, or strongly to imagine that I saw, any measures going forward that threatened the peace or prosperity of the country, and if the emergency were so pressing, as to demand the sudden adoption of a decisive course to avert the mischief, I should not hesitate one moment to act upon my own responsibility. If the publick opinion did not happen to square with mine; if, after pointing out to them the danger, they did not see it in the same light with me; or if they conceived that another remedy was preferable to mine, I should consider it as due to my king, due to my country, due to my own honour, to retire, that they might pursue the plan which they thought better, by a fit instrument: that is, by a man who thought with them. Such would be my conduct on any subject where conscientiously I could not surrender my judgment. If the case was doubtful, or the emergency not so pressing, I should be ready, perhaps, to sacrifice my opinion to that of the publick; but one thing is most clear in such an event as this, namely, that I ought to give the publick the means of forming an accurate estimate.

Do I state this difference fairly?—If I do, and if the gentlemen over against me will admit, that in the instance before us the publick sentiment ought to have influenced them, it follows, that the publick sentiment ought to have been consulted, before we were committed in the eyes of Europe, and that the country ought to have had the means, and the information necessary to form their judgment upon the true merits of this question. Did the king's ministers act thus? Did they either take the publick opinion, or did they give us the means of forming one? Nothing like it. On the 28th of March, the message was brought down to this house. On the 29th, we passed a vote of approbation, but no opinion was ask-

ed from us, no explanation was given us. So far from it, we were expressly told, our advice was not wanted; that we had nothing to do with the prerogative of the crown to make war; that all our business was to give confidence. So far with regard to this house. I cannot help thinking this conduct somewhat hard upon the majority, who certainly might have counted for something in the general opinion, when the right honourable gentleman was collecting it, if he meant fairly so to do. I grant, indeed, that there are many ways by which the feeling and temper of the publick may be tolerably well known out of this house, as well as in it. I grant, that the opinion of a respectable meeting at Manchester, of a meeting at Norwich, of a meeting at Wakefield, of publick bodies of men in different parts of England, might give the right honourable gentleman a correct idea of the publick impression. Permit me to say also, that in the speeches of the minority of this house, he might find also the ground of publick opinion, both as to what might give it rise, and what might give it countenance. But was the majority of this house the only body whose dispositions were not worth consulting? Will the minister say "I travelled to Norwich, to York, to Manchester, to Wakefield, for opinions;" "I listened to the minority; I looked to lord Stormont, to the earl of Guilford; but as to you, my trusty majority, I neglected you! I had other business for you! it is not your office to give opinions; your business is to confide! You must pledge yourself, in the first instance, to all I can ask from you, and perhaps some time in the next year I may condescend to let you know the grounds on which you are acting." Such is the language he holds to us, if his conduct were to be explained by words, and a conduct more indecent or preposterous is not easily to be conceived. For it is neither more nor less than to tell us—"When I thought the Ottoman power in danger, I asked for an armament to succour it. You approved and granted it to me. The publick sense was against me, and without minding you, I yielded



to that sense. My opinion, however, remains still the same ; though it must be confessed, that I led you into giving a sanction to my schemes, by a species of reasoning which it appears the country has saved itself by resisting. But they were to blame. I yet think that the exact contrary of what was done, ought to have been done ; and that the peace and safety of Europe depended upon it. But never mind how you voted, or how directly opposite to the general opinion, with which I complied, was that opinion I persuaded you to support. Vote now that I was right in both : in the opinion I still maintain, and in my compliance with its opposite. The peace of Europe is safe. I keep my place and all is right again.”—But after all, the right honourable gentleman did not act from any deference to the publick opinion ; and to prove this, I have but to recall to your recollection dates. The message was brought down, as I said before, on the 28th of March ; and in less than week, I believe in four days, afterwards, before it was possible to collect the opinion of any one publick body of men, their whole system was reversed. The change, therefore, could not come from the country, even had they been desirous of consulting it. But I have proved that they were not desirous to have an opinion from any quarter. They came down with their purposes masked and veiled to this house, and tried all they could to preclude inquiry into what they were doing. These are not the steps of men desirous of acting by opinion. I hold it, however, to be now acknowledged, that it was not the publick opinion, but that of the minority in this house, which compelled the ministers to relinquish their ill-advised projects. For a right honourable gentleman, who spoke last night\* confessed the truth in his own frank way. “We certainly,” said he, “do not know that the opinion of the publick was against us ; we only know that a great party in this country was against us, and therefore we apprehended, that though one campaign might have been got through,

at the beginning of the next session, they would have interrupted us in procuring the supplies." I believe I quote the right honourable gentleman correctly. And here, sir, let me pause, and thank him for the praise which he gives the gentlemen on this side the house. Let me indulge the satisfaction of reflecting, that though we have not the emoluments of office—nor the patronage of power—yet we are not excluded from great influence on the measures of government. We take pride to ourselves, that at this moment we are not sitting in a committee of supply, voting enormous fleets and armies to carry into execution this calamitous measure. To us he honestly declares this credit to be due; and the country will, no doubt, feel the gratitude they owe us, for having saved them from the miseries of war. An honourable gentleman, indeed,\* has told us, that our opposition to this measure in its commencement, occasioned its having been abandoned by the ministers; but he will not allow us the merit of having saved the country from a war by our interposition, but charges us with having prevented their obtaining the terms demanded, which would have been got without a war. I am glad to hear this argument; but must declare, in the name of the minority, that we think ourselves most unfairly treated by it, and forced into a responsibility that belongs, in no manner whatsoever, to our situation. The minister when repeatedly pressed on this subject, during the last session, was uniform in affirming that he had reasons for his conduct, to his mind so cogent and unanswerable, that he was morally certain of the indispensable necessity of the measures he was pursuing. He has said the same since, and to this hour continues his first conviction. If, therefore, the right honourable gentleman thought so, and thought at the same time that our arguments were likely to mislead the country from its true interests, why did he continue silent? If publick support was so necessary to him, that without it, as he tells us now, he could not pro-

Mr. Jenkinson.



ceed a single step, why did he suffer us to corrupt the passions, to blind and to pervert the understandings of the publick, to a degree that compelled his sacrifice of this essential measure? Why did he quietly, and without concern, watch the prevalence of our false arguments? Why did he sanction their progress, by never answering them, when he knew the consequence must necessarily be, to defeat his dearest object, and put the safety of his country to the hazard? Why did he not oppose some antidote to our poison? But having neglected to do this, (because of his duty to preserve state secrets, as he would have us believe) what semblance of right, what possible pretext has he to come forward now, and accuse us of thwarting his views, or to cast the responsibility of his failure and disgrace upon us, whose arguments he never answered, and to whom he obstinately and invariably refused all sort of information, by which we might have been enabled to form a better judgment, and possibly to agree with him on this subject? Another right honourable gentleman, however,\* judges more fairly of us, and I thank him for the handsome acknowledgment he paid to the true character of the gentlemen on this side of the house. For by owning, that because we did not happen to approve of this armament it was abandoned, he acknowledges another fact—that we are not what another honourable gentleman† chose to represent us, a faction, that indiscriminately disapproves of every thing, right and wrong. This is clearly manifest from his own admissions, for giving up when they found we condemned, they must have begun in the idea that we should approve. We approved in the case of Holland, and in that of Spain. In the first case we did so, because the rectitude of the thing was so clear and manifest, that every well-wisher to England must have done it. We did so in the case of Spain, because the objects were explained to us. The insult given, and the reparation demanded, were both before us. But had the right honoura-

\* Mr. Dundas. † Mr. Steele.

ble gentleman any right, because we agreed to the Dutch and Spanish armaments, to anticipate the consent of opposition to the late one. It was insulting to impute the possibility to us!—What, agree to take the money out of the pockets of the people, without an insult explained, or an object held up! It is said the object was stated, and that the means only were left to conjecture. That the *object* proposed to the house, was an armament to make a peace, and Oczakow was supposed to be the *means* by which that peace was to be effected. Sir, it is almost constantly my misfortune to be differing from the right honourable gentleman about the import of the words *object* and *means*. In my way of using these words, I should have directly transposed them, and called the armament the *means* of effecting peace, and Oczakow the *object* of that armament. And the event proves that ministers thought as I should have done. For they gave up that object, because they knew they could get the end they proposed by their armament without it. This object, indeed, whatever was its importance, whether it was or was not, as we have alternately heard it asserted and denied, the key of Constantinople, nay, as some wild and fanciful people had almost persuaded themselves, the key to our possessions in the East Indies, the king's ministers have completely renounced; and seem by their conduct to have cared very little what became of that or Constantinople itself. The balance of Europe, however, is perfectly safe, they tell us; and on that point we have nothing more to apprehend. The enormous accession of power to Russia, from the possession of Oczakow, so far from affecting Great Britain, is not likely, according to what the ministers must assure us, to disturb the tranquillity of her nearest neighbours. That Oczakow, therefore, was at any time an object sufficient to justify their interference, I have stated many reasons for concluding will not be alleged this night. Some of the gentlemen on the other side, indeed, have advanced other grounds, and told us (I confess it is for the first time) that in this war the empress of



Russia was the aggressor; that on her part the war was offensive, and that it became us to interfere to stop her progress. They tell us of various encroachments in the Cuban, of hostilities systematically carried on in violation of treaties, and many other instances; not one of which they have attempted to prove by a single document, or have rested on any other foundation than their own assertions. But to these, sir, I shall oppose the authority of ministers themselves. For, in one of the despatches of the duke of Leeds to Mr. Whitworth, he desires him to communicate to the court of Petersburg, that if they will consent to make peace with the Turks on the *status quo*, the allies will consent to guaranty the Crimea to them, "*the object of the war*," as he states it to be. I desire no further proof than this, that we always considered the Turks as the aggressors. For it follows, that where any place, in the possession of one power, is made the object of a war by another, the power claiming that object is the aggressor. If for example, we were at war with Spain, and Gibraltar the object, Spain of course would be the aggressor: the contrary, if the Havanna were the object. The king of England, therefore, by the despatch which I have quoted, has, in words and in fact, acknowledged the Turks to have been the aggressors in this war, by making pretensions to a province solemnly ceded to Russia in the year 1783. I can scarcely think that ministers mean to contend that cession by treaty does not give right to possession. Where are we to look, therefore, to ascertain the right of a country to any place or territory, but to the *last* treaty? To what would the opposite doctrine lead? France might claim Canada, ceded in 1763, or we Tobago, ceded in 1783. It might be urged that they took advantage of our dispute with our own colonies, and that the treaty gave no right.—Canada, Jamaica, every thing might be questioned. Where would be the peace of Europe, if these doctrines were to be acted on? Every country must continue in a state of endless perplexity, armament, and preparations.

But, happily for mankind, a different principle prevails in the law of nations. There the last treaty gives the right, and upon that we must aver, that if, as the despatch says, the Crimea was the object, the Turk was the aggressor.

What, therefore, was the right claimed by the right honourable gentleman to enter into this dispute?—I will answer. The right of a proud man, anxious to play a lofty part. France had gone off the stage. The character of the miserable disturber of empires was vacant, and he resolved to boast and vapour, and play his antick tricks and gestures on the same theatre. And what has been the first effects of this new experiment upon the British nation? That in the pride and zenith of our power, we have miserably disgraced ourselves in the eyes of Europe; that the name of his majesty has been sported with, and stained; that the people of England have been inflamed, their commerce disturbed, the most valuable citizens dragged from their houses, and half a million of money added to the publick burthens. And here, Sir, in justice to my own feelings, I cannot pass over wholly in silence the fate of that valuable body of our fellow-citizens, who are more particularly the victims of these false alarms, and by whom the most bitter portion of the common calamity must be born. I am compelled to admit, that every state has a right, in the season of danger, to claim the services of all, or any of its members; that the "*salus populi suprema lex est.*" Tenderness and consideration in the use of such extensive powers is all I can recommend to those whose business it is to call them into action. But here I must lament, in common with every feeling mind, that unnecessary barbarity which dragged them from their homes, deprived them of their liberty, and tore them from the industrious exercise of those modes of life by which they earned support for their families, wantonly, cruelly, and without pretext, because without the smallest intention of employing them. The gentlemen well know what I state to be a fact. For they know that their system was changed, and their



object abandoned, before even they had begun to issue press-warrants.

I return, Sir, to the disgraceful condition in which the right honourable gentleman has involved us. Let us see whether what I have said on this point be not literally true. The empress of Russia offered, early in the year 1790, to depart from the terms she had at first thrown out, namely, that Bessarabia, Wallachia, and Moldavia, should be independent of the Ottoman power. This, it appears, she yielded upon the amicable representations of the allied powers, and substituted in the room of them those conditions which have since been conceded to her, namely, that the Dniester should be the boundary between the two empires, and all former treaties should be confirmed. "Then," say ministers, "if we gained this by simple negotiation, what may we not gain by an armament?" Thus judging of her pusillanimity by their own, they threatened her. What did she do? Peremptorily refused to depart one atom from her last conditions. And this determination, I assert, was in the possession of his majesty's ministers long before the armament. They knew not only this, early in the month of March, but likewise the resolution of the empress not to rise in her demands, notwithstanding any further success that might attend her arms. The memorial of the court of Denmark, which they have, for reasons best known to themselves, refused us, but which was circulated in every court, and published in every newspaper in Europe, fully informed them of these matters. But the king's ministers, with an absurdity of which there is no example, called upon the country to arm. Why? Not because they meant to employ the armament against her, but in the fanciful hope, that because, in an amicable negotiation, the empress had been prevailed upon not to press the demand of Wallachia, Moldavia, and Bessarabia, as independent sovereignties, they should infallibly succeed by arming, and not employing that armament, in persuading her to abandon all the rest! And what was the end? Why, that after pledging the king's name, in the most deliberate

and solemn manner; after lofty vapouring, menacing, promising, denying, turning, and turning again; after keeping up the parade of an armament for four months, accompanied with those severe measures, to be regretted even when necessary, to be reprobated when not, the right honourable gentleman crouches humbly at her feet; entreats, submissively supplicates of her moderation, that she will grant him some small trifle of what he asks, if it is but by way of a boon; and finding at last that he can get nothing, either by threats or his prayers, gives up the whole, precisely as she insisted upon having it.

The right honourable gentleman, however, is determined that this house shall take the whole of this disgrace upon itself. I heard him, with much delight, on a former day, quote largely from that excellent and philosophical work, "The Wealth of Nations." In almost the first page of that book, he will find it laid down as a principle, that by a division of labour in the different occupations of life, the objects to which it is applied are perfected, time is saved, dexterity improved, and the general stock of science augmented. That by joint effort, and reciprocal accommodation, the severest tasks are accomplished, and difficulties surmounted, too stubborn for the labour of a single hand. Thus, in the building of a great palace, we observe the work to be parcelled out into different departments, and distributed and subdivided into various degrees, some higher, some lower, to suit the capacities and condition of those who are employed in its construction.—There is the architect that invents the plan, and erects the stately columns. There is the dustman and the nightman to clear away the rubbish. The right honourable gentleman applies these principles to his politicks, and in the division and cast of parts for the job we are now to execute for him, has reserved for himself the higher and more respectable share of the business, and leaves all the dirty work to us. Is he asked why the house of commons made the armament last year? He answers, "The house of commons did not make the armament! I made it,



The house of commons only approved it." Is he asked why he gave up the object of the armament, after he had made it? "I did not give it up!" he exclaims. "I think the same of its necessity as ever. It is the house of commons that gives it up. It is the house that supports the nation in their senseless clamour against my measures. It is to this house that you must look for the shame and guilt of your disgrace." To himself he takes the more conspicuous character of menacer. It is he that distributes provinces, and limits empires; while he leaves to this house the humbler office of licking the dust, and begging forgiveness;

"Not mine these groans—

"These sighs that issue, or these tears that flow."

I am forced into these submissions by a low, contracted, grovelling, meanspirited, and ignorant people!" But this not all. It rarely happens, that in begging pardon, when men determine upon that course, they have not some benefit in view, or that the profit to be got is not meant to counterbalance, in some measure, the honour to be sacrificed. Let us see how the right honourable gentleman managed this. On the first indication of hostile measures against Russia, one hundred and thirty-five members of this house divided against the adoption of them. This it was, according to a right honourable gentleman who spoke in the debate yesterday,\* that induced ministers to abandon their first object; but not like the duke of Leeds, who candidly avowed, that if he could have once brought himself to give up the claim of Oczakow, he would not have stood out for the razing its fortifications, or any such terms. The ministers determine that the nation at least shall reap no benefit from the reversal of their system. "You have resisted our projects," say they; "you have discovered and exposed our incapacity; you have made us the ridicule of Europe, and such we shall appear to posterity; you have

\* Mr. Dundas.

defeated, indeed, our intentions of involving you in war; but *you* shall not be the gainers by it! *you* shall not save your money! We abandon Oczakow, as you compel us to do; but we will keep up the armament, if it is only to spite you!" Determined to act this dishonourable part, their next care was to do it in the most disgraceful manner; and as they had dragged parliament and their king through the dirt and mire, they resolved to exhibit them in this offensive plight to the eyes of Europe. To do this, they did not care to trust to the minister we had at Petersburg: a gentleman distinguished for amiable manners, and by the faithful, the vigilant, and the able discharge of his duty. Why was the management of the negotiation taken from him? Was he too proud for this service? No man is too proud to do his duty; and of all our foreign ministers, Mr. Whitworth† I should think the very last, to whom it could be reproached that he is remiss in fulfilling the directions he receives, in their utmost strictness. But a new man was to be found; one whose reputation for talents and honour might operate, as they hoped, as a sort of set off against the incapacity he was to cure, and the national honour he was deputed to surrender. Was it thus determined, because in looking round their diplomattick body, there was no man to be selected from it, whose character assimilated with the dirty job he was to execute? As there was honour to be sacrificed, a stain to be fixed upon the national character, engagements to be retracted, and a friend to be abandoned; did it never occur to them that there was *one man* upon their diplomattick list, who would have been pronounced by general acclamation thoroughly qualified in soul and qualities for this service? Such a person they might have found, and not so occupied as to make it inconvenient to employ him. They would have found him absent from his station, under the pretence of attend-

† Now lord Whitworth, late ambassadour at the court of St. Cloud.



ing his duty in this house, though he does not choose often to make his appearance here. Instead of this, however, they increased the dishonour that they doomed us to suffer, by sending a gentleman endowed with every virtue and accomplishment, who had acquired, in the service of the empress of Russia, at an early period of his life, a character for bravery and enterprise, that rendered him personally esteemed by her, and in whom fine talents, and elegant manners, ripened by habit and experience, had confirmed the flattering promise of his youth. Did they think that the shabbiness of their message was to be done away by the worth of the messenger? If I were to send a humiliating apology to any person, would it change its quality by being intrusted to lord Rodney, admiral Pigot, my honourable friend behind me (general Burgoyne) lord Cornwallis, sir Henry Clinton, sir William Howe, or any other gallant and brave officer? Certainly not.

It was my fortune, in very early life, to have set out in habits of particular intimacy with Mr. Fawkeners, and however circumstances may have intervened to suspend that intimacy, circumstances arising from wide differences in political opinion, they never have altered the sentiments of private esteem which I have uniformly felt for him; and with every amiable and conciliating quality that belongs to man, I know him to be one from whom improper submissions are the least to be expected. Well, Sir, these gentlemen, Mr. Whitworth and Mr. Fawkeners, commence the negotiation, by the offer of three distinct propositions, each of them better than the other, and accompany it with an expression somewhat remarkable, namely, that this negotiation is to be as unlike all the others as possible, and to be "*founded in perfect candour*." To prove this, they submit at once to the Russian ministers "all that their instructions enable them to propose." Who would not have imagined, according to the plain import of these words, that unless the empress had assented to one of these propositions, all amicable interposition would

have been at an end, and war the issue? The "perfect candour," promised in the beginning of their note, leads them to declare explicitly, that unless the fortifications of Oczakow be razed, or the Turks are allowed as an equivalent to keep both the banks of the Dneister, the allies cannot propose any terms to them. What answer do they receive? An unequivocal rejection of every one of their propositions; accompanied, however, with a declaration, to which I shall soon return, that the navigation of that river shall be free to all the world, and a reference to these maxims of policy which have invariably actuated the empress of Russia in her intercourse with neutral nations, whose commerce she has at all times protected and encouraged. With this declaration the British plenipotentiaries declare themselves perfectly contented; nay more, they engage, that if the Turks should refuse these conditions, and continue obstinate longer than four months, the allied courts "will abandon the termination of the war to the events it may produce." And here ends for ever all care for the Ottoman empire, all solicitude about the balance of power. The right honourable gentleman will interpose no further to save either, but rests the whole of a measure, once so indispensable to our safety, upon this doubtful issue, whether the Turks will accept in December those very terms which, in July, the British ministers could not venture to propose to them!

Sir, we may look in vain to the events of former times for a disgrace parallel to what we have suffered. Lewis the fourteenth, a monarch often named in our debates, and whose reign exhibits more than any other the extremes of prosperous and of adverse fortune, never, in the midst of his most humiliating distresses, stooped to so despicable a sacrifice of all that can be dear to man. The war of the succession, unjustly began by him, had reduced his power, had swallowed up his armies and his navies, had desolated his provinces, had drained his treasures, and deluged the earth with the blood of the best and most



faithful of his subjects. Exhausted by his various calamities, he offered at one time to his enemies to relinquish all the objects for which he had begun the war. That proud monarch sued for peace, and was content to receive it from our moderation. But when it was made a condition of that peace, that he should turn his arms against his grandson, and compel him by force to relinquish the throne of Spain, humbled, exhausted, conquered as he was, misfortune had not yet bowed his spirit to conditions so hard as these. We know the event. He persisted still in the war, until the folly and wickedness of queen Anne's ministers enabled him to conclude the peace of Utrecht, on terms considerably less disadvantageous even than those he had himself proposed. And shall *we*, sir, the pride of our age, the terrour of Europe, submit to this humiliating sacrifice of our honour? Have *we* suffered a defeat at Blenheim? Shall we, with our increasing prosperity, our widely diffused capital, our navy, the just subject of our common exultation, everflowing coffers, that enable us to give back to the people what, in the hour of calamity, we were compelled to take from them; flushed with a recent triumph over Spain,\* and yet more than all, while our old rival and enemy was incapable of disturbing us, shall it be for us to yield to what France disdained in the hour of her sharpest distress, and exhibit ourselves to the world, the sole example in its annals of such an abject and pitiful degradation?

But gentlemen inform us now, in justification, as I suppose they mean it, of all these measures, that to effect a peace between Russia and the Porte, was only the ostensible cause of our armament, or at least was not the sole cause; and that ministers were under some apprehension lest the emperor, if the allies were to disarm, should insist on better terms from the Turks, than he had agreed to accept by the convention of Reichenbach. This I cannot believe. When

\* Refers to the concession of Spain respecting Nootka Sound.

his majesty sends a message to inform his parliament, that he thinks it necessary to arm for a specifick purpose, I cannot suppose that a falsehood has been put into his majesty's mouth; and that the armament, which he proposes as necessary for one purpose, is intended for another.—If the right honourable gentleman shall tell me that although the war between Russia and the Porte was the real cause of equipping the armament, yet that being once equipped, it was wise to keep it up when no longer wanted on that account, because the emperor seemed inclined to depart from the convention of Reichenbach; then I answer, that it was his duty to have come with a second message to parliament, expressly stating this new object, with the necessary information, to enable the house to judge of its propriety. Another of the arguments for continuing the armament, after the object was relinquished, is, that Russia might have insisted on harder terms, not conceiving herself bound by offers which we had refused to accept. I perfectly agree with gentlemen, that after the repeated offer of those terms, on the part of Russia, and the rejection of them by us, the empress was not bound to adhere to them, in all possible events and contingencies. If the war had continued, she would have had a right to further indemnification for the expense of it. But was it not worth the minister's while to try the good faith of the empress of Russia, after she had so solemnly pledged herself to all Europe that she would not rise in her demands? The experiment would have been made with little trouble, by the simple expedient of sending a messenger to ask the question. The object of his armament would have suffered little by the delay, as an answer from the Russian court might have been had in five or six weeks. Was it reasonable in ministers to suppose, that because, in the early part of the negotiation, the empress had shown so much regard to us as actually to give up whatever pretensions she had formed to other provinces of the Turkish empire, solely with the view of obtaining our concurrence to the principle on which she offered to make peace,



she would revert to those very pretensions the instant she had obtained that concurrence on our part, for the benefit of which she had sacrificed them? Surely, as I have said, it was worth while to make the experiment: but simple and obvious as this was, a very different course was adopted. Oczakow, indeed was relinquished before the armament began, as we may find by comparing the date of the press-warrants with that of the Duke of Leeds's resignation. As soon as the king's message was delivered to parliament, a messenger was despatched to Berlin with an intimation of the resolution to arm. This, perhaps, was rashly done; as they might have foreseen that the measure would probably meet with opposition, and much time could not have been lost by waiting the event of the first debate. No sooner was the division known, than a second messenger was sent off to overtake and stop the despatches of the first; and this brings me to another argument, which I confess appears to me very unlikely to help them out. They tell us, that the king of Prussia having armed in consequence of our assurances of support, we could not disarm before we knew the sentiments of the court of Berlin, without the imputation of leaving our ally in the lurch. Did we wait for the sentiments of that court to determine whether Oczakow was to be given up or not? Sir, when that measure was resolved upon, the right honourable gentleman actually had abandoned his ally; and that such was the general sense of the court of Berlin, I believe can be testified by every Englishman who was there at the time. No sooner did the second messenger arrive, and the contents of his despatches become known, than a most general indignation rose against the conduct of the right honourable gentleman; and I am well enough informed on the subject to state to this house, that not an Englishman could show his face in that capital, without exposing himself to mortification, perhaps to insult. But, between the 28th of March, when the message was brought down to this house, and the 2d or 3d of April, when the second messenger was despatched

with the news that ministers had abandoned the object of it, the armament could not have been materially advanced. Why then was it persisted in? The right honourable gentleman cannot argue, that he kept up the armament in compliance with his engagements with Prussia, when the armament, in fact, did not exist, and when it had been begun but four or five days previous to his renouncing the object of it. That could not have been his motive. What then was the motive? Why, that he was too proud to own his error, and valued less the money and tranquillity of the people, than the appearance of firmness, when he had renounced the reality. False shame is the parent of many crimes. By false shame, a man may be tempted to commit a murder, to conceal a robbery. Influenced by this false shame, the ministers robbed the people of their money, the seamen of their liberty, their families of support and protection, and all this to conceal that they had undertaken a system which was not fit to be pursued. If they say that they did this, apprehensive that without the terror of an armament, Russia would not stand to the terms which they had refused to accept, they do no more than acknowledge, that by the insolence of their arming, and the precipitancy of their submission, they had either so provoked her resentment, or excited her contempt, that she would not even condescend to agree to her own propositions when approved by them. But however they might have thought her disposed to act on this subject, it was at least their duty to try whether such would have been her conduct or not.

To prove that the terms to which they agreed at last were the same with those they before rejected, all I feel it necessary for me to observe, is, that the free navigation of the river Dniester, the only novelty introduced into them, was implied in proposing it as a boundary. For it is a well known rule, that the boundary between two powers must be as free to the one as to the other. True, says the minister, but we have got the free navigation for the subjects of other powers, particularly for those of Poland. If



this be an advantage, it is one which he has gained by concession. For if he had not agreed that the river should be the boundary, the navigation would not have been free. The Turks offered no such stipulation, had they been put in possession of both the banks. Besides which, as a noble duke, whom I have already quoted, well observed, it is an advantage, whatever may be its value, which can subsist only in time of peace. It is not, I suppose, imagined that the navigation will be free in time of war. They have then got nothing that deserves the name of a "modification," a term, I must here observe, the use of which is not justified even by the original memorial, where the sense is more accurately expressed by the French word "*radoucissement*." Was it then for some *radoucissement* that they continued their armament? Was it to say to the empress, when they had conceded every thing, "We have given you all you asked; give us something that we may hold out to the publick, something that we may use against the minority; that minority whom we have endeavoured to represent as your allies. We have sacrificed our allies the Turks, to you. You can do no less than sacrifice your allies, the minority, to us?" If I had been to advise the empress on the subject, I would have counselled her to grant the British minister something of this sort. I would even have advised her to raze the fortifications of Oczakow, if he had insisted on it. I would have appealed from her policy to her generosity, and said, Grant him this as an apology, for he stands much in need of it. His whole object was to appear to gain something, no matter what, by continuing the armament; and even in this last pitiful and miserable object he has failed. If, after all, I ask, whether these terms are contained in the peace that we have concluded for the Turks, or rather which the Turks concluded for themselves? the answer is, "We have no authentick copy of it." Is this what we have got by our arms, by distressing our commerce, dragging our seamen from their homes and

occupations, and squandering our money? Is this the efficacy of our interference, and the triumph of our wisdom and our firmness? The Turks have at length concluded a peace, of which they do not even condescend to favour us with a copy, so that we know what it is only by report, and the balance of Europe, late in so much danger, and of so much importance, is left for them to settle without consulting us! Is it for this that we employed such men as Mr. Fawkener and Mr. Whitworth? They were sent to negotiate for the materials of a speech, and failed. But what are the complaints that private friendship has a right to make to those of an insulted publick? Half a million of money is spent, the people alarmed and interrupted in their proper pursuits by the apprehension of a war, and for what? For the restoration of Ocza-kow? No. Ocza-kow is not restored. To save the Turks from being too much humbled? No. They are now in a worse situation than they would have been, had we never armed at all. If Russia had persevered in that system of encroachment of which she is accused, we could, as I observed before, then have assisted them unembarrassed. We are now tied down by treaties and fettered by stipulations. We have even guarantied to Russia what we before said it would be unsafe for the Turks to yield, and dangerous to the peace of Europe for Russia to possess. This is what the publick have got by the armament. What then was the private motive?

*Scilicet, ut Turno contingat regia conjux,*

*Nos, animæ viles, inhumata infletaque turba,*

*Sternamur campis——*

The minister gained, or thought he was to gain, an excuse for his rashness and misconduct, and to purchase this excuse was the publick money and the publick quiet wantonly sacrificed. There are some effects, which, to combine with their causes, is almost sufficient to drive men mad! That the pride, the folly, the presumption of a single person, shall be able to involve a whole people in wretchedness and disgrace, is more than philosophy can teach mortal patience to endure. Here are the true weapons of the enemies of



our constitution ! Here may we search for the source of those seditious writings, meant either to weaken our attachment to the constitution, by depreciating its value, or that loudly tell us that we have no constitution at all. We may blame, we may reprobate such doctrines ; but while we furnish those who circulate them with arguments such as these ; while the example of this day shows us to what degree the fact is true, we must not wonder if the purposes they are meant to answer be but too successful.

They argue, that a constitution cannot be right where such things are possible, much less so when they are practised without punishment. This, sir, is a serious reflection to every man who loves the constitution of England. Against the vain theories of men, who project fundamental alterations upon grounds of mere speculative objection, I can easily defend it : but when they recur to these facts, and show me how we may be doomed to all the horrors of war, by the caprice of an individual, who will not even condescend to explain his reasons, I can only fly to this house, and exhort you to rouse from your lethargy of confidence, into the active mistrust and vigilant control which is your duty and your office.

Without recurring to the dust to which the minister has been humbled, and the dirt he has been dragged through, if we ask for what has the peace of the publick been disturbed ? For what is that man pressed and dragged like a felon to a service that should be honourable ? We must be answered, for some three quarters of a mile of barren territory on the banks of the Dneister ! In the name of all we value, give us, when such instances are quoted in derogation of our constitution, some right to answer, that these are not its principles, but the monstrous abuses intruded into its practice. Let it not be said, that because the executive power, for an adequate and evident cause, may adopt measures that require expense without consulting parliament, we are to convert the exception into a rule ; to reverse the principle ; and that it is now to be assumed, that the people's money may be spent for any cause, or for

none, without either submitting the exigency to the judgment of their representatives, or inquiring into it afterwards, unless we can make out ground for a criminal charge against the executive government. Let us disclaim these abuses, and return to the constitution. I am not one of those who lay down rules as universal and absolute ; because I think there is hardly a political or moral maxim which is universally true ; but I maintain the general rule to be, that before the publick money be voted away, the occasion that calls for it should be fairly stated, for the consideration of those who are the proper guardians of the publick money. Had the minister explained his system to parliament, before he called for money to support it, and parliament had decided that it was not worth supporting, he would have been saved the mortification and disgrace in which his own honour is involved, and by being furnished with a just excuse to Prussia for withdrawing from the prosecution of it, have saved that of his sovereign and his country, which he has irrecoverably tarnished. Is unanimity necessary to his plans ? He can be sure of it in no manner, unless he explains them to this house, who are certainly much better judges than he is of the degree of unanimity with which they are likely to be received. Why then did he not consult us ? Because he had other purposes to answer in the use he meant to make of his majority. Had he opened himself to the house at first, and had we declared against him, he might have been stopped in the first instance : had we declared for him, we might have held him too firmly to his principle, to suffer his receding from it as he has done. Either of these alternatives he dreaded. It was his policy to decline our opinions, and to exact our confidence, that thus having the means of acting either way, according to the exigencies of his personal situation, he might come to parliament, and tell us what our opinions ought to be ; which set of principles would be most expedient to shelter him from inquiry, and from punishment. It is for this he comes before us with a poor and pitiful excuse, that for want of the unanimity he expected, there was reason to fear, if



the war should go to a second campaign, that it might be obstructed. Why not speak out, and own the real fact? He feared that a second campaign might occasion the loss of his place. Let him keep but his place, he cares not what else he loses. With other men, reputation and glory are the objects of ambition; power and place are coveted but as the means of these. For the minister, power and place are sufficient of themselves. With them he is content; for them he can calmly sacrifice every proud distinction that ambition covets, and every noble prospect to which it points the way!

Sir, there is yet an argument which I have not sufficiently noticed. It has been said, as a ground for his defence, that he was prevented from gaining what he demanded by our opposition; and, but for this, Russia would have complied, and never would have hazarded a war. Sir, I believe the direct contrary, and my belief is as good as their assertion, unless they will give us some proof of its veracity. Until then, I have a right to ask them, what if Russia had not complied? Worse and worse for him! He must have gone on, redoubling his menaces and expenses, the empress of Russia continuing inflexible as ever, but for the salutary opposition which preserved him from his extremity of shame. I am not contending that armaments are never necessary to enforce negotiations; but it is one, and that not the least, of the evils attending the right honourable gentleman's misconduct, that by keeping up the parade of an armament, never meant to be employed, he has in a great measure deprived us of the use of this method of negotiating, whenever it may be necessary to apply it effectually. For if you propose to arm in concert with any foreign power, that power will answer: "What security can you give me that you will persevere in that system? You say you cannot go to war, unless your people are unanimous." If you aim to negotiate against a foreign power, that power will say: "I have only to persist—the British minister may threaten, but he dare not act—he will

not hazard the loss of his place by a war." A right honourable gentleman\* in excuse for withholding papers, asked what foreign power would negotiate with an English cabinet, if their secrets were likely to be developed, and exposed to the idle curiosity of a house of commons?—I do not dread such a consequence; but if I must be pushed to extremes, if nothing were left me but an option between opposite evils, I should have no hesitation in choosing. "Better have no dealings with them at all," I should answer, "if the right of inquiry into every part of a negotiation they think fit, and of knowing why they are to vote the money of their constituents, be denied the house of commons." But there is something like reason why no foreign power will negotiate with us, and that a much better reason than a dread of disclosing their secrets, in the right honourable gentleman's example. I declare, therefore, for the genius of our constitution, against the practice of his majesty's ministers: I declare that the duties of this house are, vigilance in preference to secrecy, deliberation in preference to despatch. Sir, I have given my reasons for supporting the motion for a vote of censure on the minister. I will listen to his defence with attention, and I will retract wherever he shall prove me to be wrong.

\* Mr. Dundas.



## LORD CLARE'S SPEECH,

ON A MOTION OF ADDRESS TO THE LORD LIEUTENANT, &c.

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THE Earl of Moira presented the subsequent resolution to the house of lords of Ireland, on the 19th of February 1798, being the repetition of one of the same purport, which he had a short time previously moved, without effect, in the English house of lords.

*"That an address be presented to his excellency the lord lieutenant, representing that, as parliament has confided to his excellency extraordinary powers for supporting the laws and for defeating any traitorous combinations which may exist in this kingdom, this house feels it, at the same time, a duty to recommend the adoption of such conciliatory measures as may allay the apprehensions, and extinguish the discontents unhappily prevalent in this country."*

Whether the lenient and conciliatory course, which the resolution proposes could have been prudently pursued, it seems difficult to determine. By the opposite system, though in some instances marked by a "vigour beyond the law," it must be admitted that the daring project of dissolving the connexion between the two countries was defeated, and the distractions of those "evil times" allayed.

The present speech is a very important one. It traces with unusual ability, and detailed exactness the discontent of Ireland from "its seminal state" through all its progressive stages of growth

till it burst in full maturity in plots, treason, and conspiracy; and shows that, however narrow and restrictive may have been the spirit of British policy towards the sister isle, she in return, has been no less factious, and disloyal; always eager and importunate in her demands, which no concession could satisfy, and no redress appease.

It moreover contains a complete refutation of the calumnies so industriously circulated against the Irish government while engaged in suppressing the recent rebellions. If the government were guilty of wanton cruelty and oppression, the earl of Moira, who certainly betrayed no want of care or diligence in the collection of proofs of these charges, was exceedingly unfortunate in the choice of those which he adduced. For in the whole catalogue of his allegations, there is not one which lord Clare does not conclusively prove to be either a groundless fabrication, or which, if true, he does not extenuate or justify. The resolution of course was rejected.

We may, with perfect confidence, recommend this admirable speech to the attentive perusal of every one, who is desirous of investigating the "high matters" it discusses, or who is ambitious to cultivate a style of eloquence *neat, cogent, and argumentative*. In strength, it is a *Dorick column of granite*, without one of the slight ornaments of the *composite*.

### SPEECH, &c.

MY LORDS,

I AM happy to have an opportunity of discussing this subject with the noble lord in this assembly. I know of none on which there has been such a series of studied and persevering misrepresentation, and certainly very liberal contributions have been made to the common stock, under the sanction and authority of the noble earl's name. If we are to believe reports apparently well authenticated, which have been nearly avowed this night on his part, the noble earl has twice brought forward this subject in the



British house of lords. His first proposition to that grave assembly was, to address his majesty to interpose his gracious and paternal interference to allay the discontents subsisting in the kingdom of Ireland, which threatened the dearest interests of the British empire. One principal source of Irish discontent he stated to be, that the Irish Catholicks insisted on their right of sitting in both houses of parliament, from which they are precluded by the statute law of Ireland. Another cause of offence to the people, the noble lord stated to be, that a member of the Irish house of commons had, uninvited and without any apparent necessity, started up in a debate and pronounced an absolute interdiction on the hopes and pretensions of Irish Catholicks. That another member in the other house of parliament had equally uninvited and without necessity, started up in *his* place, and pronounced a sweeping condemnation on the north of Ireland. I will not take upon me to say what might have passed in the house of commons, but I do, with perfect confidence, assure the noble lord, that nothing has passed in this house, since I have had the honour of sitting in it, which can give a shade of justice to an imputation thus cast on one of its members. The noble earl, if we are to credit written and verbal reports, for the authenticity of which I can in some sort vouch, has recently again brought forward the same subject in the same assembly, when without making a distinct proposition upon it, *he* certainly did in the acceptance of plain understandings pronounce a sweeping condemnation upon every department of the state, civil and military, in the kingdom of Ireland; when *he* did in the acceptance of plain understandings represent the executive government as acting wantonly on a system of insult and barbarity against an innocent and unoffending people, and the army of Ireland as active instruments in carrying it into rigorous and unrelenting execution. And let me here, with the unfeigned respect which I feel for the name and character of a liberal and high minded gentleman and a gallant sol-

dier, put it to the noble lord's good sense on cool and mature reflection, upon what principle he could feel himself justified in passing by this house of parliament, of which he is a member, and making an appeal to the British house of lords, on a subject solely and exclusively cognizable by the parliament of Ireland; let me put it to his good sense, upon what principle he could feel himself justified in pressing the British house of lords to address his majesty, to interpose the influence of the crown to allay discontents in Ireland, which he stated to arise from the operation and effect of Irish statutes, an address of the British house of lords to his majesty to interpose the influence of the crown to procure a repeal of Irish statutes, of deep and momentous import to the constitution of Ireland. Let me put it to his good sense, if he has not been traduced, upon what principle he can justify a rash, an ill-advised assertion, that a member of this house had, uninvited and without necessity, started up in his place, and pronounced a sweeping condemnation on the north of Ireland, and having made the assertion, urge it as a ground for an address of the British house of lords to his majesty, to interpose his authority against the effects of this assumed parliamentary indiscretion in a peer of Ireland, or perhaps to prevent a repetition of it. And above all, upon what principle he could feel himself justified in a statement to the British house of lords, that the executive government of Ireland, had taught the soldiery to consider and to treat the natives of this country indiscriminately as rebels, and under such a supposition, to goad them with wanton and unexampled insult and barbarity. That the obsolete feudal badge of servitude, the curfew, was now revived and established in all its rigour in Ireland, and enforced by the soldiery with unfeeling cruelty and insult. That the infamous and detestable principles and proceedings of the inquisition, had been introduced into Ireland, where the unhappy natives were put to the torture, to extort from them a confession of their own guilt or the guilt



of others; where the unhappy natives were torn from their families and immured in prisons, ignorant of their accusers, and in a cruel state of uncertainty as to the period of their imprisonment, and the fate which awaited them. And that these complicated and unexampled excesses and extravagancies formed only a part of the system acted upon by the executive government of Ireland, and encouraged by the British cabinet. And these virulent and distorted exaggerations have passed into general circulation through the medium of every disaffected and seditious publick print in Great Britain and Ireland, under the proffered solemnity of the noble lord's oath. It remains for me publickly and distinctly to refute the foul and injurious charges of tyranny, injustice, and oppression upon the people of Ireland which have been advanced against the British cabinet and the British nation, and against the government and parliament of Ireland; and in so doing, I shall give the best answer to every thing which has fallen from the noble lord this night.—It has long been the fashion of this country to drown the voice of truth and justice by noise and clamour and loud and confident assertions; and since the separation of America from the British empire, where the noble lord well knows some British politicians had successfully played a game of embarrassment against Lord North's administration, they have been pleased to turn their attention to Ireland, as a theatre of political warfare, and to lend their best countenance and support to every motley faction, which has reared its head in this country, to disturb the publick peace for the most selfish and mischievous purposes. When the noble lord recommends conciliation as a remedy for the turbulent and distracted state of this country, with all respect for him, I must conclude, that his information flows from this polluted source. If conciliation be a pledge of national tranquillity and contentment; if it be a spell to allay popular ferment, there is not a nation in Europe in which it has had so fair a trial as in the kingdom of Ireland. For a period nearly of twen-

ty years, a liberal and unvaried system of concession and conciliation has been pursued and acted upon by the British government. Concession and conciliation have produced only a fresh stock of grievances, and the discontents of Ireland have kept pace with her prosperity; for I am bold to say, there is not a nation on the habitable globe, which has advanced in cultivation and commerce, in agriculture and in manufactures, with the same rapidity, in the same period. Her progress is now retarded, and it is a heart breaking spectacle to every man who loves the country, to see it arrested only by the perverse and factious folly of the people, stimulated and encouraged by disappointed statesmen, British as well as Irish. When the noble lord talks of conciliation as the certain means of tranquillizing the country, I call upon him to say what security he can give us for the accomplishment of his presage. Does he speak from experience? Evidently not: experience is against him. When lord North opened the trade of the British colonies and plantations to Ireland, Parliament declared itself fully gratified in terms of warm and affectionate satisfaction; and be it remembered that some of the loudest modern declaimers in the British parliament for Irish emancipation, did then oppose this first relaxation in the system of commercial restrictions, imposed by British statutes upon Ireland, at the revolution. In a few months, however, the voice of indignation and complaint was again heard in the Irish house of commons, and although the encroachments on our constitution and its defects, which were then complained of, were generally admitted to exist, a considerable majority in both houses of parliament thought it unwise and impolitick to bring them forward in terms of anger and apparent hostility to Great Britain, more especially at a time when she laboured under the pressure of an extensive and calamitous war. An appeal was then, for the first time, preferred from the decision of parliament to the armed majesty of the people, and without any form or solemnity of trial, or deliberation, every gentleman of Ireland who hesitated to



declare open war against the parliament of Great Britain, was denounced as an enemy to his country, by that candid and august tribunal. However, on a change of administration, in 1782, the British government determined to accede to the demands of Ireland, and adopted a proceeding which, of all others, seemed to be the most flattering and conciliatory to the parliament and people. The duke of Portland, by the king's command, sent down a message to both houses of parliament, "that his majesty was concerned to find that discontents and jealousies prevailed amongst his loving subjects of Ireland on matters of great weight and importance, and recommending that the same might be taken into serious consideration, in order to such final adjustment as might give mutual satisfaction to Great Britain and Ireland." If ever there was a proceeding devised, which might afford a rational hope of quieting the apprehensions and relieving the exigencies of a distressed country, it was this appeal to their own testimony, for a knowledge of their complaints, to desire them to come forward and to state the measure of their calamities, and the best expedient for the relief of them. And accordingly the measure of concession and conciliation, demanded of Great Britain, for the final adjustment of all political controversy between the two kingdoms, and for their mutual and lasting satisfaction, was framed on the declared sense of the Irish opposition-cabinet; for on looking into the journals it will be found, that the addresses in answer to his majesty's most gracious and conciliatory message, were moved and voted by way of amendment, proposed by the leaders of the popular cause in both houses of parliament. And the noblemen and gentlemen who undertook the office of pointing out the grievances of Ireland, for a redress which was to lead to a final adjustment of all political divisions between this kingdom and Great Britain, confined them, "to the usurped claim of the British parliament to make laws for Ireland: to the appelland jurisdiction exercised by the British house of lords; to the practice of suppressing bills in the council of

Ireland, or of altering them any where, and to a perpetual mutiny law." In the progress of the same session, a communication was made to both houses of parliament, in a speech from the throne, by the duke of Portland, "that the British parliament had paid immediate attention to our representation, and that his majesty would graciously give his royal assent to such bills as might be necessary to give them full effect." To this communication, an answer was made by an address of both houses of parliament to his majesty, and to the duke of Portland. This address was also framed by the cabinet of opposition. The noblemen and gentlemen who had originally taken upon them the office of pointing out the constitutional grievances of Ireland, were the movers of it, and did with peculiar eloquence express the acknowledgments of the parliament and people of Ireland, for the prompt and dignified attention which had been paid to their representations. In the address moved by them, and adopted by both houses, they assured his majesty, that "we were fully sensible of the magnanimity of his majesty, and of the wisdom of his parliament of Great Britain, in seconding his majesty's most gracious intentions to this kingdom, without any stipulation or condition whatsoever, *and that his majesty might have the firmest reliance upon the faith, generosity, and honour of the Irish nation. That as it is their undoubted interest, so it is their warmest wish, to promote and perpetuate the harmony, stability and glory of the British empire; and that the same spirit which induced them to assert their right to share the freedom of Great Britain, will confirm them in a determination to share her fate also, standing and falling with the British nation.*" The commons went a step beyond this house: they assured his majesty, "*that from thenceforward no constitutional question could by possibility arise to interrupt the harmony so happily established between Great Britain and Ireland,*" and voted the enormous sum of fifty thousand pounds, out of the publick purse, as a gratuity to



the gentleman who had thus pledged himself and pledged parliament to a final settlement of constitutional grievances between the two countries, a settlement so complete and satisfactory, as to render a revival of political or constitutional controversies utterly impossible. This address was echoed with unbounded applause from end to end of the kingdom, and the founders of the new Irish constitution, were, for the short period of a few weeks, the idols of the people. Unfortunately, in that short interval, all harmony was at an end. A gentleman of distinguished ability discovered, that the simple repeal of a declaratory law, did not contain a renunciation of the principle which had been declared; from whence he argued, that our new constitution was a bubble, that the Irish nation had been duped by the British minister and parliament, and that the noblemen and gentlemen who had undertaken Irish emancipation (it was at this period I think the phrase got into use) acquiescing in the deception, must be considered as accomplices in the treachery of Great Britain. To this abstract proposition, and to the inference drawn from it, immediate and general assent was given, and a gentleman who had been raised to the pinnacle of popular favour and applause, for acknowledged publick service, instantly became the subject of popular execration, and was loaded with foul and most unmerited calumny and abuse, for no other reason than his refusal to concur in committing the parliament of this country in a quarrel with the British nation, upon this abstract rule of interpretation which was assumed to apply to all declaratory statutes, and to establish unequivocally the insincerity of Great Britain. It is not necessary now to examine the merits of the abstract legal question; but this I do not scruple to say, that nine hundred and ninety-nine men in one thousand, who so loudly condemned the act of simple repeal, were utterly incapable of forming an opinion on the subject; and that if from the same authority they had been told, that an act of renunciation was an insult to the nation,

inasmuch as it implied an existing principle to be renounced, the men who so loudly condemned a simple repeal, would have been equally noisy against renunciation. But I should have hoped that this gross and glaring instance of popular levity would have taught the sober part of the community, and more especially the gentlemen who had well nigh fallen victims to it, the imminent hazard of inflaming the popular mind upon abstract political topicks, and of making appeals to the majesty of the people, for the redress of speculative political grievances. At the same period the majesty of the people was a second time affronted. We had in the warmth of our gratitude, and before the simple repeal bubble had been discovered, voted away almost every regiment of infantry on the Irish establishment, for the service of the empire, insomuch that there were not soldiers left in the country for common garrison duty. The duke of Portland, with no other possible view than to provide for the necessary service of the kingdom, on terms the most economical, raised four provincial regiments to be disbanded at the conclusion of the war. This was construed to be an insidious scheme of the British government, to undermine the popular institution of volunteers. If so many regiments of the line had been raised, and the establishment had been incumbered with half pay for the officers, I presume the majesty of the people would not have been offended; but a fencible regiment was new in Ireland, and without further inquiry or consideration, this necessary act of publick duty, adopted by the duke of Portland upon a mere principle of publick economy, was generally and loudly condemned as a fresh instance of British insincerity. It happened soon after the duke of Portland had quitted the government of this kingdom, that the judges of the court of king's bench, at Westminster, gave their judgment upon a record removed by writ of error brought there, from the king's bench of Ireland; and no man who knows the law will say, that they could have done otherwise.



They found a record removed into their court by authority of the king's writ, and finding it there, they could not avoid giving judgment upon it. This, however, raised a new ferment in Ireland, and this judicial act of lord Mansfield and his brethern, was represented here as a direct violation of British faith, and an open and unequivocal attack upon the Irish constitution. Lord Buckingham was then lord lieutenant of Ireland, and although I was not then a servant of the crown, having lived in early habits of friendship and intimacy with him, I can from my knowledge state, that with a firm conviction that Great Britain had always intended, fully, fairly, and unequivocally to renounce all legislative and judicial authority over this country, he felt the warmest anxiety to satisfy the people of Ireland that their suspicions were unfounded; that whether the act by which the British parliament yielded their legislative claims, was an act of simple repeal, or an act of renunciation, they might and ought to place full and firm confidence in the faith and honour of Great Britain as their best security; but it was stated to him that there were British statutes unrepealed made for the protection of trade, particularly to the East Indies, by which penalties were inflicted upon Irish subjects for breach of them committed in this country, and that suits for the recovery of these penalties, were, by the same statutes, recognizable in the king's superior courts at Westminster; and it was stated to him that the mere repeal of the declaratory act of the 6th Geo. I. would not be sufficient to bar any suit which might be so instituted, but that an act of renunciation would be construed by the English judges as a virtual repeal of all laws theretofore made which imported to bind Ireland. Lord Buckingham therefore plainly saw that such an act was necessary for the peace of both countries, and warmly recommended to the British government to have it proposed in parliament. Accordingly a bill was introduced into the British house of commons I believe by his brother, now lord Grenville, which passed into a

law without opposition, renouncing, in terms the most unequivocal all legislative or judicial authority in Ireland, declaring the right of the people of Ireland to be bound only by laws enacted by their parliament, and barring all writs in error or appeals from judgment or decrees of Ireland, to any British judicature; and I very much fear there are men in this country, who never have forgiven lord Buckingham for the part which he took, in advising a measure so necessary to the peace of Great Britain and Ireland. It might reasonably have been expected that the people of Ireland, being gratified on the point of renunciation would have taken breath, and suspended at least their constitutional labours. But the moment the act of renunciation was obtained, a new grievance occurred, and it was discovered that in order to secure the new constitution of Ireland, it was necessary to alter the frame of the representative body by which, in effect, it had been established; and the people being then self arrayed and armed, after due deliberation, it was determined to elect a military convention to meet in the metropolis, as the surest, most efficacious, and constitutional organ, through which to convey the sense of the nation upon the subject of parliamentary reform. This convention assembled with considerable military pomp and parade at the city of Dublin, and having assumed to itself all the forms and functions of a house of parliament, a bill for the reform of the representation of the people was regularly presented, read a first and second time, committed, reported, and agreed to, and being engrossed, was sent at the point of the bayonet by two members of the convention, who were also members of the house of commons, to be registered by that assembly. The house of commons treated this insult with the indignant contempt which it merited, and the men who had been betrayed into such an act of contumacious folly awed by the rebuke which they received from the house of commons, and by the firmness of lord Northington, dispersed and returned to the places from whence they had come, many of them much ashamed of their rashness and in-



temperance. And be it also remembered, that one of the loudest modern declaimers in the British parliament for Irish emancipation, was then a cabinet minister of Great Britain, and that he did *then*, with all the energy and ability which distinguish him, most emphatically state his opinion to lord Northington, that the existence of legitimate government in Ireland, depended on the dispersion of this convention, and that her connexion with the British crown depended on preserving the frame of the Irish house of commons as it then stood, unaltered and unimpaired.

After the dispersion of this military convention, we had a short respite from popular ferment on the ground of constitutional grievances, but a new topick of discontent was started. It was discovered that the manufactures of Great Britain were imported into this country upon terms which gave them a preference in the Irish market—a preference, by the way, which superiour excellence alone can give them, and the remedy proposed for this grievance was, that we should commence a war of prohibitory duties, although it was notorious that the balance of trade between Great Britain and Ireland was very considerably in our favour, and that if the parliament of Ireland had been so infatuated as to yield to popular outcry upon this subject, we had not the means of manufacturing woollen cloth in this country, nearly sufficient for the use of its inhabitants. The discussion of this question, however, led to the memorable treaty in 1785, if I may so call it, between the parliaments of both countries, for a final adjustment of the commercial intercourse between this country and Great Britain, and the British colonies and plantations, when a fair and liberal offer was made by Great Britain to open her markets, and to share her capital with this country; to give to Ireland a perpetual right of trading with her colonies and plantations upon the terms only of our adopting the laws which she enacts for regulating her navigation and trade with them. This offer was wisely rejected by the Irish house of commons, under a silly deception put upon the people of Ireland, who

were taught to believe, that the offer thus made to them was an insidious artifice of the British minister to revive the legislative authority of the British parliament, which had been so recently and unequivocally renounced, and under this gross and palpable deception were the solid interests of Great Britain and Ireland, their mutual peace and harmony, and indissoluble connexion sacrificed in the house of commons of Ireland, on the altar of British and Irish faction. If any thing could have opened the eyes of the nation what passed within two sessions, from 1785, ought to have exposed the dupery practised upon them at that period. In the interval, Great Britain thought it necessary to extend the principle of her navigation acts to ships British and Irish built; and in 1787, the parliament of Ireland did without hesitation adopt this new act of navigation, and declared all the former British acts of navigation to be of force in this country, a point which some persons had before that time affected to question. And there is no real friend of Ireland who can doubt that it is her interest to follow Great Britain in her code of navigation laws; there is no real friend of Ireland who can doubt that it is her interest to follow Great Britain in her code of laws for regulating her trade with the British colonies and plantations; for on no other terms can we be permitted to trade with them. There must be one system of imperial policy throughout the British empire, and if we are to remain a part of it, it is idle to suppose that the parliament of Ireland can ever enact laws in opposition to any principle of imperial policy adopted by Great Britain.

Unhappily in 1789, a new occasion arose upon which the parliament of this country thought fit to act upon the most critical imperial question which could have arisen, not only without regard to what had passed upon the same subject in Great Britain, but with direct and avowed hostility to the parliament and government of that country. I pass by the events of that disastrous period, and shall only say, that the intemperate, illegal, and precipitate conduct of the Irish



house of commons upon that critical and momentous occasion, has, in my opinion, in all its consequences, shaken to its foundations our boasted constitution, and eminently contributed to bring this country into its present dangerous and alarming situation. It is in the recollection of us all, that at the conclusion of the session of 1789, nothing was left untried by lord Buckingham to restore peace, and to conciliate those who had acted with marked personal hostility to him, so far as he could go without a breach of publick duty. If he was capable of harbouring private resentment for unprovoked personal injuries offered to him, he had the magnanimity to sacrifice his feelings to an anxious solicitude for the peace of Ireland; and I have often lamented that his efforts proved unsuccessful, and that he was compelled, much against his will, to displace some old servants of the crown who had opposed his government with warmth, and not only avowed their determination to persist in the same opposition, but declined with sullen indignation even to hold communication with him. And if the confidential servants of the crown are to oppose his majesty's government, and to decline all communication with his ministers, I am at a loss to know how it can exist. The first step which was taken in consequence of this political schism by gentlemen who had been the sole authors of it, was to found a political club for the reformation of alleged publick abuses and political grievances. The first society of that class which I believe had existed in this country; certainly it is the first within my memory. This political institution was announced to the world by a manifesto signed and countersigned, in which the British government was charged in direct terms with a deliberate and systematick conspiracy to subvert the liberties of Ireland. The basis of it was, a solemn resolution to preserve the constitution of the realm as settled by the revolution in Great Britain and Ireland in 1688, and reestablished in Ireland in 1782; and all persons of congenial sentiments and principles were invited to repair to the standard thus raised for the protection of the

constitution as settled by the revolution of 1688. The publick measures proposed by this society in their first manifesto were, as I recollect, a place bill, a pension bill, and what was called a responsibility bill; measures which I have seen resisted warmly by some members of this society when I sat in the house of commons. In the succeeding sessions of Parliament, they were brought forward successively and repeatedly, and were successively and repeatedly rejected. The place bill then proposed, was nearly a transcript of that which has since been adopted; the pension bill authorized an application of eighty thousand pounds yearly by the crown to pensions; and would if then adopted, have been the sole appropriation of the publick revenue in Ireland; and the responsibility bill, as it was called, would have constituted an executive directory, by erecting a commission composed of five publick officers, with full power to control the crown in the exercise of its vital functions; but in discussing the merits of these bills, the debates of the house of commons were conducted with a degree of heat and acrimony utterly unbecoming the gravity and decorum of a legislative assembly. If we are to credit the newspaper reports of the debates which were carried on in that house at this period, they exhibit a series of coarse and acrimonious, and disgusting invective, suited only to the meridian of Billingsgate, and displayed to the people a picture of their representatives from their own pencil, little calculated to inspire them with confidence or respect. What was the consequence? The people soon subscribed to the opinions which their representatives had promulgated, and gave them all full credit for the villainous charges which they had advanced against each other; they had been taught to believe, as often as the political views of contending parties were answered by the suggestion, that Great Britain was the natural rival and enemy of this country; that she was insincere in all the concessions which had been made to Ireland, and waited only an opportunity to recall them. That our connexion with the British crown, was a source



of national depression, and finally that a deliberate and systematick conspiracy had been formed by the British government to subvert the liberties of the Irish nation. For the truth of these assertions let me refer every dispassionate man to the detail with which I have already troubled your lordships, and for their wisdom, to subsequent events intimately connected with them:—to a self-degraded house of commons the people were not likely to appeal for relief, against a deliberate and systematick British conspiracy, formed to subvert their liberties. In a political club composed of some of the leading members of that assembly, they could not be supposed very forward to put implicit confidence, and therefore, with minds inflamed against the British name and nation, they looked to political clubs of their own; not to procure a place bill, or a pension bill, or a responsibility bill, but to cut off the source of all past and future aggressions, by subverting the monarchy, and separating this country for ever from Great Britain. The corner stones of this wise and salutary project were, “Catholick emancipation and parliamentary reform;” which with a little foreign assistance, when the country should be ripe for it, it was hoped, would infallibly ensure its success. Accordingly, in the year 1791, a new political club was formed in the metropolis, connected at its institution with similar affiliated clubs at Belfast and Cork, which was also announced by a manifesto directed, not against British ministers, but against the British nation, stating what was felt as the real grievance of Ireland, and known to be its effectual remedy, “That Ireland had no national government, that she was ruled by Englishmen and the servants of Englishmen; filled, in commerce and politicks, with the narrow prejudices of their country.” This is the grievance; now mark the remedy.—After scouting the measure of place bill, responsibility bill and pension bill as utterly inadequate to the disease, they resolve that, to cut it up by the root, the representation of the people must be reformed by a general extension of the elective franchise, and that a

general union amongst *all* the people was essentially necessary to counteract the weight of British influence. To effect which union against Great Britain, an abolition of all religious distinctions in the state was indispensable.—An appeal followed to the volunteers of Ireland, beseeching them to resume their arms, and to establish in fact, as they had in theory restored, the independence of Ireland, and a general recommendation to form similar societies in every quarter of the kingdom for the promotion of constitutional knowledge and the dissemination of *genuine* whig principles. The object of this political association seems to be unequivocally avowed in this their first manifesto. However a full explanation of it by the author has been twice verified on oath before a secret committee of this house; in which it is distinctly avowed that this Irish union was originally projected by Mr. Tone, who is now a fugitive for treason, for the sole purpose of separating this kingdom from the British crown; and the same project is even more distinctly avowed in the paper quoted by the noble baron who spoke second in the debate. Immediately a general outcry was raised of commiseration and love for the Catholics of Ireland; in which, for the first time since the reformation, a great body of the Protestant dissenters joined; and Catholic emancipation and parliamentary reform went forth as the watch words of innovation and treason; and the system of innovation and treason has been pursued from that time, I am sorry to say, with equal assiduity and success. I have often lamented that this nest of conspirators calling themselves United Irishmen was suffered to establish itself unmolested in the metropolis; and that the magistrates of the city of Dublin so long delayed any interposition on their part to relieve the community from such a nuisance. If they had been dispersed on their first appearance, much public mischief would have been prevented. The first object of this jacobin institution was, to detach the Catholics of Ireland from a committee composed of the principal noblemen and gentlemen of their com-



munion, and to place them under the management of a directory composed of men of a very different description. They saw that so long as the great body of Catholics were directed by men of rank and fortune and approved loyalty, their allegiance had remained unquestioned; and that under such influence, it would be a vain attempt to shake it. Your lordships will recollect the gross and unpardonable ribaldry with which the publick prints teemed against the late lord Kenmare at the suit of this new directory, for no other reason than that he had presumed to disapprove a tone of jacobinism and disloyalty which they had assumed, and would have induced them to prefer their claims, in terms of duty and respect to the legislature. Under this directory a complete system of democracy was established for the government of the Catholics of Ireland, and through the mediation of Mr. Tone and his jacobin associates at Belfast, an alliance was negotiated with the dissenters of the northern province, who were given to understand that for concurrence in the system of religious emancipation, they might expect cordial and decisive support from the body the Catholics in the grand project of parliamentary reform, or in other words, of anarchy and democracy. To forward this project, the lower orders of the Catholics were stimulated to associate under the title of Defenders, and were impressed with an opinion, that by robbing the houses of protestants of arms and ammunition, they would contribute to the success of the Catholic cause, and finally be relieved from the payment of tythes, taxes and rent. I will not say that this system of robbery and outrage which was struck out for an ignorant and deluded populace, was first devised by the Catholic directory. But your lordships are in possession of full proof, that some of the unfortunate men who were capitally indicted as defenders in the summer 1792, were patronised and protected by them, and that considerable sums of money were paid out of their stock purse to defray the expense attending the trials of some persons who were then convicted in the

county of Louth. For this I have only to refer to the official letter of their secretary, which was proved before the secret committee of this house in 1793, and it is stated at length in their report which has been just now read. It is now fully ascertained that a close connexion and correspondence was established between the Catholick directory and the Irish union.

In addition to this force of midnight robbery and outrage, orders were issued by the jacobin clubs at Dublin and Belfast, to levy regiments of national guards in every part of the kingdom; their uniform French, and all their ensigns emblems of disaffection. This banditti, however, was put down at the first moment of its appearance, and I cannot but lament, that every other rebellious combination has not been met with equal vigour and decision. If it had, much publick mischief would have been prevented. The noble lord who is so forward to impute Irish disaffection to what he calls a system of coercion, acted upon by the Irish government, and encouraged by the British cabinet, will here please to recollect, that the system of midnight robbery and avowed rebellion was completely established before any one statute was enacted here, to which alone every profligate innovator in Great Britain and Ireland pretends to ascribe the present matured system of Irish treason: and he will also please to recollect, that the first of these statutes was enacted in consequence of a report of a committee of this house which has been just now read; a committee appointed on the motion of a noble earl unconnected with government, and without communication with lord Westmoreland, who was then lord lieutenant of Ireland; and I lament that a severe accident has prevented that noble earl from attending his duty on this night. It is stated distinctly in that report, that in 1792, and 1793, the project of levying a revolutionary army had been formed; that soldiers were forthcoming in abundance, but that officers were wanting; and I will tell that noble lord, that this project was disclosed by evidence



the most clear and satisfactory, by the testimony of gentlemen of rank and character, some of them at this moment high in military command in the king's service. The first act which passed in consequence of this report extended only to prohibit the importation of arms and ammunition, or the removal of either by coast or inland carriage, without license: and will the noble lord venture, in this assembly, to condemn this wholesome and necessary measure of precaution by the Irish legislature, when it appeared distinctly, that a traitorous conspiracy had been formed in the bosom of their country to levy an army, for the avowed purpose of overawing and subverting the constituted authorities of the state? In the same session, in consequence of the same report, another act passed for stopping the contraband trade of parliament, for declaring the law with respect to popular conventions; for declaring the law, which I assert with confidence, prohibits and condemns all such meetings as unlawful assemblies, tending to disturb publick tranquillity, and to raise well founded alarms in the minds of the king's peaceable subjects. One of these conventions had recently held a regular session in the metropolis, and I have seldom read more seditious and inflammatory libels than were daily circulated in the publick prints appointed by authority to report their debates; and a mandate was actually issued, early in the year 1793 to elect a national convention, to be holden at Athlone, for the redress of national grievances civil and religious. The mode of election was formed by the Irish union on the model devised by their jacobin associates in France: primary assemblies were convened in every parish to choose a certain number of electors, who were to meet at a central point in the county, to choose their representatives. It is not a strained inference to suppose, that these primary assemblies were not attended by the most sober and industrious inhabitants of the parish, and that sobriety and industry had no very decided influence in the choice of electors; neither does it require any great political sagacity to see,

that if an assembly so constituted had been suffered to establish itself, a prompt and general chain of intercourse and communication would at once have been formed between the turbulent and disaffected members of the community in every part of the kingdom; and it would have rested with the discretion of an invisible power, thus possessed of the means of receiving and communicating prompt and accurate and general intelligence to order a general or partial insurrection at pleasure. And yet these measures of legislative precaution, thus forced upon parliament by treasons avowed and meditated, have been represented as the original source of popular discontent, and have been condemned by the noble lord in terms of bitterness and indignation, as a part of the system of coercion, as he is pleased to call it, wantonly inflicted by the Irish government upon an innocent and unoffending people, and secretly encouraged by the British cabinet. Would the noble lord be understood to assert, that the Irish parliament have betrayed their trust in stopping the supply of military stores to a revolutionary army, and repressing tumultuary and seditious assemblies, notoriously convened for promoting rebellion, and overthrowing the constitution: or would the noble lord be understood to insinuate, that the lords and commons of Ireland have betrayed their trust, because they have not looked at the growth of sedition and treason tame and unmoved, in pure compliment to his incredulity. The parliament of Ireland did their duty in framing new laws, to meet new and extraordinary exigencies; and if there be a ground of censure on parliament, it is, that their vigour was not proportioned to the magnitude and extent of the evil. The treasonable associations which were the source of it, were suffered to augment, unite, and marshal their disciples, in one common league of mischief, insomuch that, under their orders, nearly the whole of the northern district, and some counties contiguous to the metropolis, became a scene of general murder, and robbery and midnight depredation. Every man who was accused



by the brotherhood, of loyalty or peaceable demeanour was stripped of his arms—if he presumed to defend himself he was murdered. The few magistrates who ventured to execute the law, were marked for assassination, and many of them were actually murdered. Parliament therefore found it necessary to interpose again, and to frame a law, if possible, to meet this horrid state of barbarism and outrage, which had bid defiance to the ordinary course of justice; and in the session of 1796, the insurrection act was passed, which enables the lord lieutenant and council, on a representation of the justices at a session of the peace, that any particular district is in a state of insurrection, by proclamation to declare it so to be; and the magistrates, in a proclaimed district, are enabled to exercise strong and summary powers for repressing tumult and outrage, and preserving the peace. Amongst others, they are authorized to order all persons within the proclaimed district to remain in their houses, and to put out their lights after a certain hour of the night. This the noble lord has been pleased to represent as a revival of the obsolete feudal badge of servitude, the curfew, and a rigorous execution of it throughout the kingdom of Ireland. The first application to the lord lieutenant and council for carrying this act into execution, was made by the magistrates of the county of Armagh, where a religious feud had broken out, and was attended with lamentable excesses, a feud which was revived by the wicked machinations of the Irish brotherhood, and with unblushing effrontery represented by them, as a government persecution instituted against the northern catholicks. I will state the short history of this religious quarrel, and the noble lord will see the grievous indiscretion into which he has been betrayed upon this head of his accusation against the Irish government. Many years since, the protestants in a mountainous district of the county of Armagh, associated under the appellation of Peep of Day Boys to disarm their catholick neighbours, who associated for their common defence under the title of Defenders. This feud however, was soon composed,

and for years there was not any revival of it; but when the general system of robbing protestants of their arms was established by the Irish union, and the lower order of the catholicks, assuming their old appellation of Defenders, undertook this service, the protestants in the county of Armagh associated for their common defence under the title of Orangemen, and feeling in the progress of the contest, that they were an overmatch for their adversaries, they did commit many very grievous excesses, which I lament as deeply as the noble lord. In the origin of this contest, many years since, there is no doubt the northern protestants were the aggressors; but the feud was notoriously revived by the modern banditti of Defenders, who in their turn attacked the Orangemen, and would have disarmed them. Lord Camden made every possible exertion to restore peace and to punish those who had violated the law without distinction. He sent down colonel Craddock to take the military force in that district under his command, with positive instructions to cooperate with the civil power in suppressing tumult, and in restoring peace and good order; and so sensible were the gentlemen of the county of Armagh of their obligations to his excellency, that at a full meeting of the magistrates they returned their thanks unanimously for his extraordinary exertions to maintain the peace of that district. At the ensuing assizes, the attorney general was sent down with instructions to prosecute indiscriminately every person who stood charged with acts of outrage and disturbance of the publick peace, and no man can doubt his impartial discharge of his duty. But the exertions of the executive government were baffled by the local factions of that district. A general election was at hand, and gentlemen who were candidates for popular favour declined to interpose between the contending parties, lest they might impair their election interests. Under the same pernicious influence, the magistrates of the county were ranged under the banners of Orangemen or Defenders, just as it best suited their election politicks, insomuch that if I could have



found persons in that country who would have done their duty, I would have issued an entire new commission of the peace. This is the plain history of the religious feud between the protestants and papists of the county of Armagh; a feud which the noble lord has charged upon the Irish government as a part of the system adopted for the persecution of Irish catholicks, and secretly encouraged by the British cabinet—a persecution to which, by his account, ninety families had fallen victims on his lordship's estate.

Let me now state the nature of that treasonable combination which has been formed, and which the noble lord proposes to dissolve by a repeal of the test laws and the act of supremacy; a combination the most dangerous and singular which is to be found in the annals of the civilized world. The subordinate societies consist of thirty members only; when their numbers exceed thirty, the excess is told off, and a new society is founded, with instructions to make proselytes. And in like manner, whenever their numbers exceed thirty, the excess becomes the foundation of another club; these societies elect delegates from each, who form committees of a higher order, which are called baronial, and have the management and superintendence of all the subordinate clubs or societies in each barony; the baronial committees in like manner elect delegates in each county, who by the name of county committees, govern and direct the baronials. The county committees in like manner elect delegates, who form a superintending provincial committee for the government, and appoint the general executive, whose station is in the metropolis. Every member of this union has the direction of the several county committees in each of the four provinces; and these provincial directories bound by solemn and mystick oaths, one of which we know to be, an oath of secrecy; another, never to give evidence in any court of justice against a brother, let his crime be what it may; and a third an oath of fidelity to the French republick. The resources of the union are the seduction of the lower orders of the people, under the speci-

ous pretext of freedom and equality, and every artifice which cunning and profligacy can suggest, has been practised to detach them from the established government and constitution. The press has been used with signal success as an engine of rebellion : sedition and treason have been circulated with unceasing industry, in newspapers and pamphlets, and hand-bills, and speeches, and republican songs, and political manifestos. Robbery, assassination, and massacre are the efficient powers of the union, and are executed with prompt and unerring rigour by the order of every member of the executive in their several departments. The communication of their orders is so managed, as to render detection almost impossible. Each society has its secretary from the general executive, down to the lower subordinate clubs, the members of which are generally used as the agents of the union in all acts of outrage ; and every order is communicated by the secretary of the superiour committee to the secretary of that committee or society, which is next in immediate subordination to it ; no subordinate committee knows of whom its next superiour is composed ! the accredited secretary vouches the order, from him it is received implicitly, and is communicated in like manner, 'till it reaches every member of the union to whom it is addressed. The order is generally verbal, but if it be reduced to writing, the moment the person who is to receive and communicate it is fully instructed, the paper is destroyed. Here then is a complete revolutionary government organized against the laws and established constitution ; and let me ask the noble lord, whether such a combination is to be met or counteracted, much less dissolved by the slow and technical forms of a regular government ; an invisible power of infinite subtlety and extent, which has no fixed or permanent station, which acts by the ungoverned fury of a desperate and savage race and scatters universal desolation and dismay, at its sovereign will and pleasure. Such was the influence of this system of terrour, that several well disposed persons were induced from mere apprehensions for



their personal security to join the union, and some of them have, I fear, become reconciled by habit to this general league of mischief: under the same influence witnesses were deterred from coming forward to give testimony for the crown, and every juryman who should dare to join in a verdict of conviction was threatened with assassination. I have read a circular printed hand-bill which was publicly distributed in the disturbed districts in the course of the last summer, threatening every man who should dare to execute the laws against a member of the brotherhood with inevitable destruction, and in some counties this menace had its full effect. Has the noble lord heard of the numberless murders which have been perpetrated by the orders of the Irish union, for the crime of putting the laws of the country into a course of execution? Has he heard of the murder of Mr. Butler, a clergyman and a magistrate? Has he heard of the murder of Mr. Knipe, a clergyman and a magistrate? Has he heard of the murder of Mr. Hamilton, a clergyman and a magistrate, and the circumstances of horror which attended it? This unhappy gentleman, who had been a fellow of Trinity College, and had retired to a college benefice in the county of Donegal, a man of exemplary piety and learning, had been guilty of the heinous crime of inculcating habits of religion and morality and industry and due subordination, in a wild and remote district; he had also been guilty of exertion as a magistrate to stop the progress of treason, and was accordingly denounced by the brotherhood. He had, as every other gentleman in the same predicament was obliged to do, converted his dwelling house into a fortress, which was protected by a military guard; he had gone to Derry, but hearing of a disturbance in his neighbourhood, he fatally prepared to return and quiet it, intending to take shelter from his enemies before the return of night. In this, however, he was prevented by a storm, which made it impossible for him to repass a lake, on the edge of which his dwelling stood, and he went to the house

of a friend, Mr. Waller, who had been also a fellow of Trinity College, and who to his misfortune received him. Whilst this gentleman and his wife and children were quietly sitting with their guest by the fire side, a volley of musquetry was discharged into his house, which instantly killed Mrs. Waller, and this was the first notice of the attack. The savages who surrounded the house cried out for Mr. Hamilton, and threatened to burn it unless he was delivered into their hands; when this unfortunate gentleman was dragged from his hiding place by the servants of his host, delivered into the hands of his enemies, and butchered by them with aggravated circumstances of barbarity too shocking to relate. His widow and helpless children have a pension from the crown, or they must have perished for want. Has the noble lord heard of the murder of Mr. Cummins, whose crime was, that he had presumed to enrol his name in a corps of yeomanry, under the command of his landlord, the earl of Londonderry? Has he heard of the attempt to assassinate Mr. Johnston, a magistrate in the populous town of Lisburn? Has he heard of the recent murder of colonel St. George, and of his host Mr. Uniacke? Has he heard of the recent murder of two dragoons who had discovered to their officers an attempt to seduce them? In a word, let me ask the noble lord, whether he has heard of the numberless and atrocious deeds of massacre and assassination, which form a part of the system acted upon by the Irish brotherhood, and encouraged by the privileged orders of innovation? I hold the dark and bloody catalogue! but will not proclaim to the civilized world the state of cannibal barbarism to which my unhappy country has been brought back by these pestilent and cowardly traitors. These are the men of sentiment whom the noble lord is anxious to conciliate; these are the injured innocents, whose cause he has so often and so pathetically pleaded; the injured innocents who deal in midnight robbery, conflagration, and murder; and scatter terror and desolation over the face of his devoted country. The noble lord may contemplate



this scene of horroir with coolness from another kingdom, but he will not be surprised that the gentlemen of Ireland, whose existence is at stake, do not view it with the same indifference. I know the noble lord has declared his opinion that assassination forms no part of the system which is acted upon by the Irish brotherhood, and encouraged by the privileged orders of innovation. I know that he has declared his opinion, that the numberless murders which have been committed in Ireland since the institution of the brotherhood, are but so many instances of private and individual spleen.—Nay more, I know the noble lord has broadly insinuated an opinion, that a periodical paper published in the metropolis, which recommends assassination, and points out individuals for massacre, is printed and published by the connivance of the Irish government, and forms a part of the system acted upon here and encouraged by the British cabinet. If the noble lord continues to hold that opinion, I will for the present leave him in the undisturbed possession of it, and shall only recommend to him to peruse attentively printed reports of the trial of twelve men convicted of a conspiracy to murder a soldier in the brigade of artillery, who had ventured to reveal to his officers an attempt made to seduce him, and of the trial of some domesticks of lord Carhampton who were convicted of a conspiracy to murder him. If the noble lord doubts the authenticity of these reports, I beg to refer him to the judges who presided at the trials. When publick justice was thus subverted; when the laws were openly insulted and beaten down; when every gentleman who had courage to remain in his county was marked for assassination, and had no protection under his own roof but from a military guard; when a plan was actually formed, and nearly ripe for execution, to disarm and cut off the soldiery thus dispersed in small bodies for the protection of individuals; when a fierce and savage foreign enemy hung upon the Irish coast, what alternative remained for the executive government, but to surrender at discretion to a horde of traitorous barbarians, or to use

the force intrusted to it for self-defence and self-preservation? And what would have been the folly and debility of the government, which would have hesitated to assert itself with vigour and decision at such a crisis? Lord Camden did not hesitate, but, as became him, issued an order on the 3d of March, to disarm the rebels in the northern district; and if he had not issued the order, I do not scruple to say, that he would have betrayed his trust. In giving the order, he is supported by an address nearly unanimous of both houses of parliament, and I might rest his justification on that address; but as the noble lord has roundly asserted in another place, that the order issued by lord Camden for disarming the northern rebels is given up to be illegal, I now meet him on the point, and am ready to maintain that the order was, not only strictly legal under the circumstances in which it was issued, but that lord Camden, if he had withheld it, would have been deeply responsible for the mischiefs which must have arisen from his omission. The constitution of these kingdoms must be strangely defective indeed if it has not in it a principle of self-preservation. I very well know that it has no such defect, and therefore, when the ordinary course of the municipal law, and the utmost exertions of civil magistrates prove ineffectual for the protection of the constitution, and for the safety and protection of his majesty's peaceable and loyal subjects, it is the bounden duty of the executive government to call in the aid of the military power, for the suppression of treason and rebellion, and for the safety and maintenance of the constitution. It was upon this principle that an order was issued in 1779, to the military force of England to act, when the city of London was attacked by a fanatical banditti, who had well nigh made themselves masters of it. That order probably saved the British empire; and I have no doubt that the order issued here for disarming the northern rebels, was essential for the salvation of the kingdom of Ireland. The minister who issued such an order, is deeply responsible for the act. If he does it wantonly



and on light grounds, he is highly criminal, but if the occasion demands such an exertion of authority for the preservation of the state, the minister who withholds it is responsible for all the evil which may arise from such an act of timidity. Of his responsibility parliament is to judge. The Minister who issues such an order wantonly, or who withholds it improperly, is subject to impeachment; but the approbation of both houses of parliament is, by the constitution of these kingdoms, his full justification either for issuing or withholding the order. And therefore, I presume, when the noble lord condemned the order issued by lord Camden for disarming the northern rebels as avowedly illegal, he was not apprized that it received the full, and nearly unanimous approbation of both houses of parliament; and, I must say, that this is, I believe, the first instance which has occurred in the annals of the British empire, in which the king's minister has been called to make his defence for suppressing a rebellion; for issuing an order, when the kingdom was threatened with invasion, to seize arms in the hands of traitors, who waited only to join the invaders; arms in which they had no right but by robbery and treason, which they used in the interval, to terrify the weak into a union with them; and to murder every man who had virtue and constancy to adhere to his allegiance. The noble lord has been pleased on this night to disclaim any charge of misconduct by the army in executing this order; but in exculpating his brother soldiers he redoubles his charge against the Irish government, and imputes all the assumed misconduct which he stated in another place, to the instructions given by lord Camden to the general officer who commands in that district. For the present, I pass by the singular apology which he has made for his brother officers, and put it to the noble lord, why he has ventured to make such a random charge against the executive government, when he might have had precise information on the subject, by moving an address to the lord lieutenant, to desire that he would

be pleased to order a copy of these instructions to be laid on the table. I have a copy of them in my hand, and when the noble lord hears what they are, he will judge whether the charges which he has hazarded against lord Camden, have a colour of justice.\*

In obedience to these orders, general Lake did proceed to disarm the rebels in the northern district, and executed this service with all the moderation, ability, and discretion, which have always marked his character as gentleman and an officer; and in executing this service, he did, amongst others, disarm the rebels of the noble lord's town of Ballinahinch, which, I am sorry to say, has been for some years a main citadel of treason. In proportion to the size, it may vie in treason with the town of Belfast. The noble lord is of a different opinion, and has very fairly assigned his reasons. He says, that he explained to the tenants in the town and its vicinity the horrors of republicanism, the many advantages of the government and constitution under which they live; and, above all, that he explained to them the splendid virtues of the heir apparent of the crown; that they all made to him the most unbounded professions of loyalty, in which, however, he would not have put implicit confidence, if he had not observed the countenance of every man to whom he had addressed himself, beam with joy and triumphant affection, when he mentioned the name and splendid virtues of his royal highness the prince of Wales. Giving the noble lord full credit as a physiognomist, I must conclude, if he will excuse me for a little professional pedantry, that the loyalty of his town of Ballinahinch is in *abeyance* during the life of his present majesty. And, as the noble lord has very fairly stated the grounds of his opinion, I will as frankly state the grounds of mine: and first, let me refer the noble lord to the war office, where he will find minutes of the general court martial, which tried and condemn-

\* Here he read the instructions.



ed several soldiers of a regiment of militia, four of whom were shot, and he will there find, that these unhappy men were seduced into a conspiracy by the people of his town of Ballinahinch, to betray to the rebels of Belfast, the military posts which it was their duty to defend, and that they were also seduced to accept of military commissions, and military rank in the revolutionary army of Belfast and Ballinahinch, which was then organized, and waited only the opportunity to come forth in battle array. Let me refer the noble lord to general Lake, for another proof of loyalty in the town of Ballinahinch; when he summoned the inhabitants to deliver up their arms, they refused to obey him, but on being threatened with severity if they persisted in this refusal; they did deliver up their arms, and amongst other weapons, no inconsiderable number of pikes. Are pikes constitutional arguments for parliamentary reform? Are pikes emblems of loyalty? Is the seduction of the king's troops a symptom of loyalty? And are these the dutiful and affectionate offerings of the noble lord's tenants and dependents, to the rising virtue of the heir apparent of the crown? Does the noble lord forget that his domesticks were tainted with the general contagion? That his gardener and groom, in the presence of Mr. Hamilton, a magistrate, the noble lord's manager and agent, acknowledged themselves to be members of the union, and acknowledged that pikes and pike shafts had been concealed in his timber yard; and on searching for them, Mr. Hamilton did frankly confess his opinion, that they had been removed but the night before general Lake's arrival in the village. The noble lord will not, I hope, suppose me to insinuate that this concealment was made with his knowledge, or countenanced by him. The most natural place for concealing pikes and pike shafts, was the house and its appendages of a nobleman in his absence, whose servants and dependents had been seduced into a traitorous conspiracy against the state. His name and rank were very naturally supposed to cast a protection around the place of his

occasional residence, and to baffle all suspicion that it was become a sanctuary of rebellion. The noble lord stated, that the imputation of disloyalty on his town of Ballinahinch, rested only on the evidence of a man of the name of Daniel Morgan, whom he represents to have been of infamous character ; but the noble lord forgot to mention the fate of Morgan. That Daniel Morgan did give an information before one of the judges of the court of king's bench, of treasons committed, and treasons meditated, by many of the inhabitants of Ballinahinch, is most true ; it is equally true, that subsequent events have very fully verified every article of his information, and that he was murdered in consequence of the discoveries which he had presumed to make. This unhappy man, after he had sworn his information, went to the town of Downpatrick, and was there protected for some time by a military guard, and having ventured to go into the country at the distance of some miles, on a visit to his wife, who had taken refuge at her father's house, he was murdered there, by a band of ruffians who came on horseback upon this mission ; and it was distinctly ascertained, that in the night when this murder was committed, a number of persons had sallied from Ballinahinch on horseback ; so that it is at the least highly probable, that the assassins ordered upon this service, were selected from the loyalists of that peaceable town. Within the last two months, under pretence of celebrating the noble lord's birth day, the centinels on duty there were made drunk, and this opportunity was taken to rob the king's stores of some hundreds of ball cartridges : such is the state of the noble lord's town of Ballinahinch, which he has been taught to believe to be a model of sentimental and enthusiastical loyalty ; and if he has been so grossly duped and misled in the opinions which he has imbibed of his own immediate tenants and dependents, what must be the extent of his dupery with respect to the county at large ?

The noble lord has thought good on this night to retract the charges originally advanced by him against



the army of Ireland, and to declare that the excesses and extravagancies of which he complained, were committed under the direct and immediate orders of the executive government. The particular instances of military outrage adduced by the noble lord were—"the destruction of the printing press of a newspaper, called the Northern Star, at Belfast.—The story of a child in convulsions, whose nurse was ordered to extinguish her lights.—The picketing one, a blacksmith, and half strangling another." As to the first of these charges, in the terms in which it was originally advanced by the noble lord, an indifferent and uninformed hearer would have imagined, that a regiment headed by its officers had at noon-day marched with drums beating and colours flying, under the eye of a general officer at head quarters, to demolish the house and the printing press of a news printer, who had made himself obnoxious to the executive government. But what is the fact, of which the noble lord certainly might have been fully and distinctly apprized? A regiment of militia which I am well informed, until it was cantoned at Belfast and Ballinahinch, was considered as one of the best behaved and best disciplined regiments in the service, had been corrupted by traitors in both quarters; several of the soldiers had been capitally convicted by the sentence of a general court martial, and four of them had been shot, upon clear evidence that they had yielded to the seduction practised upon them. The regiment to retrieve its character, subscribed to a fund for discovering and punishing any new attempt to seduce the soldiery, and made a declaration of determined loyalty to their king and his government. A body of the soldiers attended by some non-commissioned officers not on duty, went to the printer's office to desire that this declaration of loyalty might be printed in his newspaper, offering to pay for it. He refused to receive their advertisement, and accompanied his refusal with some taunting reflections on the soldiers, who did at the instant, goaded with the recent execution of their companions, which they attributed, perhaps,

with some degree of reason to the poison diffused by the Northern Star, and with the taunting refusal of the printer to receive the declaration which they would have published, proceeded to acts of violence against him; and did very nearly destroy his types and printing press; colonel Leslie, who commanded the regiment, almost immediately interposed, brought off his men, and shut them up in their barrack. However, whilst he was thus engaged, another party composed principally of yeomanry, who were not in uniform, again attacked the printer's house, and completed the destruction of his types and printing press. Let me ask the noble lord, whether he will venture gravely to assert in this assembly, that he believes this outrage upon military discipline and the municipal law to have been contrived and committed under the immediate direction of lord Camden; and if he will venture to make the assertion, let me ask him whether I am to understand his apology for general Lake, and the officers under his command to be, that they have tamely suffered the king's representative to pass by them; and to issue secret orders to the soldiery under their command, to go forth as a mob, to the utter subversion of military discipline. Am I to understand his apology for his brother officers to be, that they hold their military situations under a government which has maintained a secret correspondence and communication with the soldiery under their command, and has stimulated them to acts of outrage, which the noble lord did distinctly in his first statement upon this subject, insinuate as scandalous and disgraceful to the military character in Ireland? If this be the noble lord's apology for general Lake, and for the officers in command in his district, in pure respect for them, I beg to deprecate it; and in pure respect for these deserving officers, I beg of the noble lord to abide by his first charge against them however ill founded; the second instance of military excess and extravagance, is the rigorous enforcement of that obsolete badge of servitude, the curfew, "the story of the nurse and child;" I have taken some pains to come at the truth of this



story, and the result has been, that I find a light has been extinguished by order of the officer commanding a patrol in the neighbourhood of Downpatrick, at two different times, and in two different houses; both, however, situated in a proclaimed district; in one of these houses a child did lie in convulsions, and it so happened, that the officer who commanded the patrol, was also the regimental surgeon. He went into the house, and finding on examination that a child did lie in convulsions, he suffered its parents to keep their lights burning, and early on the next day returned to them for the purpose of affording medical assistance to the infant. The other instance of the enforcement of the curfew, happened at the house of a man of the name of Carson, whose lights were burning after eleven o'clock; on being called to by the patrol to extinguish them, and not complying immediately, a soldier broke a pane of glass in one of his windows; and so far was Carson from complaining of the injury, that he went the next day to colonel Bainbridge, who commanded at Downpatrick, and apologized to him for not having asked permission to keep his lights burning to so late an hour, which had never been denied when he had applied for it; and it is a fact which I cannot avoid stating, that within the last week, Mr. George Crogier, the noble lord's land steward, and solicitor at law, did press this same Mr. Carson to furnish him with the particulars which had attended this grievous enforcement of the curfew; that Carson told him, he had not any ground of complaint, to which Mr. Crogier replied, that unless he would furnish him with the detail of this military extravagance, he should be dragged to the bar of the house of lords, and examined to it on his oath. So much for the story of the nurse and child—and now for the story of the half strangled and picketed blacksmith. An information had been made on oath before Mr. Maxwell, a magistrate, that a blacksmith, of the name of Kirke or Shaw, had been employed in making pike-heads, which he had manufactured in great numbers for the rebels in or about Downpatrick; accordingly Mr.

Maxwell went out with a flank company under the command of a field officer, to search for these pike-heads; Mr. Maxwell apprehended the blacksmith, who denied positively that he had ever manufactured a single pike-head; the serjeant and some of the soldiers put a rope round his neck and drew it over a beam, in the hope of terrifying him into a confession; but he was not suspended. The magistrate then brought him into the town of Downpatrick, where the colonel of a fencible regiment, who has died since, put him on the picket, and he did immediately discover the names of several persons for whom he had manufactured pike-heads. In consequence of which discovery, nearly two hundred pikes were seized or brought in within two days. Let me here request of the noble lord to reflect on the number of probable murders which were prevented by this act of military severity, and appeal to his candour and good sense, whether the injury done to society, in putting Mr. Shaw on the picket, is in any degree to be put in competition with the injury which must have arisen, in leaving two hundred pikes of his manufacture in the hands of the rebels and assassins of that disturbed district. I deplore as sincerely as the noble lord can do, those necessary acts of severity; but the executive government was reduced to the painful alternative of using the force intrusted to it in defence of the king's peaceable and well affected subjects, or of tamely giving them up to the fury of a fierce and savage democracy. Every man of feeling must lament the painful duties which we imposed on military officers employed in the suppression of a rebellion. The noble lord was employed on this service in America, where he was reduced to the painful, but I am confident the indispensable duty of ordering a gentleman who bore the commission of a colonel, to summary execution, without the formality of a trial. He will readily perceive that I allude to the case of colonel Isaac Haynes, who was hanged at Charleston in the year 1781. This gentleman had taken the oath of allegiance to his majesty, and was suffered to retire to



his plantation some miles up the country ; the use which he made of this indulgence was, to excite sedition, disaffection, and disturbance in the adjacent district, to terrify the weak and timid into a union with him, and to murder every man who had constancy to resist his solicitations. Of this description was an Irishman of the name of Creighton, whose house he surrounded with an armed banditti in order to murder him ; but Creighton had time to make his escape to Charleston ; and a patrol having come up with Haynes, and seized him. On identifying his person by a court of inquiry, he was hanged at Charleston, by order of the noble lord, and of colonel Balfour. I state these facts from the printed reports of the debates of the British house of lords, in February, 1782 : and upon the same authority I will state, that the defence made for the noble lord in that assembly by a near friend and connexion of his was, that the commander in chief had fully approved of the execution of colonel Haynes, and that similar executions had taken place in hundreds of instances during the American war. Let me repeat, that I do not allude to this act of extreme military severity in any manner with a view to condemn it. I am confident that the noble lord in issuing his order, felt that it was an act on his part of painful and indispensable duty ;—but with that feeling in his mind, I cannot but wonder that the noble lord has brought forward the story of the curfew, and the story of the inquisition ; the story of the nurse and child, and the story of the blacksmith, more especially when I recollect the strong comment which the noble lord has transmitted to posterity, upon a proposed parliamentary inquiry into the execution of colonel Haynes, as an unpardonable abuse, in his opinion, of parliamentary privilege and authority. Soon after lord Camden had issued his order for disarming the rebels in the northern district, he was enabled to come at evidence the most distinct and satisfactory of the system of treason established by the Irish brotherhood, and the means by which this discovery was made were purely accidental. A man of the name of

Newell, a United Irishman, by profession a portrait painter, had been a member of one of the superiour committees of the brotherhood; he had gone to the house of a gentleman in the county of Down, whose loyalty was unquestioned, to draw portraits of some of his family, and being prevented by sickness from attending his committee of the brotherhood for more than a fortnight, he was immediately suspected of having betrayed the secrets of the brotherhood to his employer, and marked accordingly for assassination. An attempt was made to execute this sentence upon him by night in the town of Belfast, when finding himself denounced, he did give information which enabled the executive government to seize three committees with all their papers, in the very act of traitorous council. These papers were referred to secret committees of both houses of parliament, and the noble lord acknowledges that he has read the reports made by them, but he has this night pretty plainly insinuated, that he considers the committees who made their reports, and the two houses who concurred with them, to be little short of dupes and drivellers, inasmuch as he has discovered, by a confession made by Newell and by another man of the name of Smith, which he has read since his last arrival in Ireland, that the evidence given by both is false and fabricated. Let me ask the noble lord whether he has been favoured with the confession of the worthy gentleman who bribed this Smith and Newell to make such a declaration? Has the gentleman, who paid each of them a sum of 400*l.* favoured the noble lord with a detailed account of that transaction? And has Mr. Newell satisfied the noble lord by his confession, that the papers seized at Belfast, and referred to both houses of parliament, are also false and fabricated? Has Mr. Newell's confession, which the noble lord has read, satisfied him that the official returns of cannon, and muskets, and military stores, of soldiers organized for a revolutionary army; the official plan of a revolutionary committee; the projected scheme of massacre and confiscation, all re-



duced to writing, and seized upon three distinct committees of treason sitting in council, are fiction and fabrication? Has Mr. Newell's confession which the noble lord has read since his last arrival in Ireland, satisfied him that the report of the committee of this house, stating that it appeared distinctly to them that the ambassadour had been sent from hence by the brotherhood in the year 1795, to treat with the executive directory of the French republick, is also mere fiction and delusion? And will the noble lord gravely insinuate, that the lords and commons of Ireland are dupes and drivellers? And that the noble lord, by his residence in another country, or by his occasional visits in Ireland, where he is surrounded by men who are anxious to deceive him, is now enabled to correct their errors and delusions? With all respect to the noble lord, it is an assumption, on his part, to which I must take leave to enter my protest; and I doubt not I shall be joined by a very great majority indeed of the gentlemen who feel a permanent interest in the safety of this country. When upon the reports made to both houses of parliament, they voted a joint and unanimous address to the lord lieutenant, desiring that he would exert the whole energy of the powers civil and military intrusted to him for the suppression of existing rebellion; and in consequence of this address, his excellency did, with the advice and concurrence of his privy council, issue a proclamation, notifying to all his majesty's subjects, that he had in pursuance of the joint address of both houses of parliament, issued his orders to all executive officers civil and military to maintain the publick peace, and to suppress treason, rebellion and insurrection; and in the body of this proclamation, his excellency did offer full pardon and indemnity to all persons who should within a reasonable time, I think six weeks, return to their allegiance; and the term for coming in was extended by a subsequent proclamation, I think to six weeks more. The noble lord will not, I am confident, condemn a proclamation here, thus issued under the authority of both houses

of parliament, and I trust he will not condemn it a second time in another place. And when the noble lord was pleased on this night to impute some of the excesses of which he complained, to the orders or instructions given to the commander in chief by lord Camden, I must again state to him my surprise that he should make such a vague and random charge against his excellency, when he might have had precise and accurate information on the subject, by moving for a copy of the instructions. I have in my hand a copy of lord Camden's instructions to the commander in chief, and of his general order issued in pursuance of them, which I will also read to the noble lord.\*

The vigorous measures adopted by lord Camden, in which he was so fully supported by both houses of parliament, had in a great measure stopped the progress of rebellion, when it was again set into motion by a most preposterous proceeding, instituted by some gentlemen of rank and fortune in the county of Down. Early in the last summer, it was reported that a change of British ministers was in agitation, and I have been well informed that a letter from a nobleman, who it was supposed would take a lead in the new cabinet, was read at a tavern in this town to a motley assembly of united Irishmen and others, exhorting them to set the people of Ireland to work in the way of addresses to his majesty, for that the critical time had arrived when the support of the new embryo cabinet was essential. And at this critical time, when the whole of the county of Down was proclaimed by law to be in a state of insurrection, and when it had recently been a general scene of midnight robbery, conflagration and murder, an advertisement appeared in the publick prints, calling on the high sheriff to convene the inhabitants of the county without distinction, whether insurgents or not, to meet, in order to frame a petition to his majesty for the dismissal of his ministers; and what seems scarcely credible, amongst

\* Here he read them.



the persons who signed this curious requisition to the sheriff, were the names of some magistrates who first memorialled the lord lieutenant and council to proclaim the county under the insurrection act, as was the name of a reverend prelate, who I see in his place on this night, for the first time that he has appeared there for years. The high sheriff, much to his credit, refused to comply with this monstrous requisition made to him to collect the insurgents of the county of Down by colour of his authority ; and the gentlemen who had formed this project for bringing together a body of ten or twenty thousand of them, gave it up, as they professed, only from an apprehension that such a tumultuous assembly would have been dispersed by the magistrates. But the petition was framed, and, if I have been well informed, that reverend prelate not only signed it, but did without reserve solicit signatures to it ; and if I have been well informed, a clergyman of the established church, a member of the chapter of the cathedral of Down, did read this petition from the pulpit in a dissenters' meeting house, and publickly solicit his auditory to put their names to it. I mention this circumstance in the hearing of that reverend prelate, that he may inquire into it at his next visitation, and if he finds that such an act of profane indecorum was committed by a member of his chapter, he may inflict a censure upon him adequate to his offence. This petition has appeared in all the publick prints ; it sets out by a complaint that the war and the misconduct of ministers have destroyed the manufactures and the trade of that district. It is a discovery reserved for that sagacious prelate, and his more sagacious compeers, that a war which has ravaged the German empire must lessen the demand for Irish linens. But how does the fact bear them out in this assertion ? The value of linens exported from Ireland in the four years prior to the war, from 1788, to 1791, inclusive, is nine millions four hundred and fifty eight thousand two hundred and ten pounds, and the value for the four subsequent years, from 1792 to 1795, inclusive, is ele-

ven millions six hundred and sixty-two thousand one hundred and fifty-five pounds; so that it appears distinctly, that in the first four years of the war the linen manufacture, the staple of Ireland, and the only manufacture of the northern district, has increased to the amount in value of more than two millions two hundred thousand pounds, over and above the amount of it in the four corresponding years prior to the war; and in the year 1796, which I have not taken into this calculation, the value of linen exported, was three millions one hundred and thirteen thousand six hundred and eighty-seven pounds, a sum infinitely greater than the export had ever before amounted to in any one year, since the linen manufacture was first established in Ireland. So much for the veracity of that reverend prelate, and his copetitioners in this first assertion carried by them to the foot of the throne. It is perfectly true, that in the last year, (1797) the export of linen fell above ten millions of yards; but if that right reverend prelate and his compeers, had thought fit to state truth to his majesty, they would have stated, that the linen weavers of the county of Down, had altogether deserted their looms, and addicted themselves to politicks. They would have stated to his majesty that they had exchanged their shuttles for pikes and muskets and cannon; that their nights were devoted to every species of excess and outrage, and therefore, that a total stop was put to sober and honest exertion amongst the lower order of the people; and if the right reverend prelate and his compeers had told truth to his majesty, they would have stated, that their petition, fraught as it is with virulent falsehood and misrepresentation, had been hawked about the country for the mischievous purpose of inflaming the minds of the people, and of diverting them from habits of sober industry and submission to the laws, and that this wise and patriotick effort has had its full effect. With equal veracity it is stated to his majesty, that the commerce of that district has been annihilated by the war and by the misconduct of ministers; how



does the fact bear them out in this assertion? By official returns from the commissioners of the customs it appears, that the customs of the port of Belfast, for the four years of the war compared with the four corresponding years prior to it, have not fallen, on an average, quite seven thousand pounds a year; although the importation of foreign spirits has almost wholly ceased, and although it is perfectly notorious, that since the year 1791, the town of Belfast has been a citadel of treason, a circumstance not much in favour of its credit in foreign countries; perhaps the right reverend prelate will tell me, that the representation to his majesty went not to any particular district, but to the kingdom at large. Here again I meet him with official documents, from which it appears that, on a comparative view of the state of Ireland, exports and imports, during eight years, ending at Ladyday 1797, there is an accruing balance in her favour of more than six millions five hundred and forty thousand pounds; and the increase of her tonnage has been seventeen thousand eight hundred seventy two tons in the same period. This is the country, whose trade and manufactures the right reverend prelate represents to his sovereign, as annihilated by the war and by the misconduct of ministers; this is the country which he represents to his sovereign as sinking under the weight of misgovernment; this is the country which his sovereign is to rescue from impending ruin only, by a radical parliamentary reform. But what will that right reverend prelate say for himself in having joined in a representation to his majesty, that the *most constitutional and loyal means of seeking redress*, have been opposed by the most unconstitutional and illegal coercions. What will that right reverend prelate, a bishop of the established church, say for himself, in having thus justified to his flock an organized system of murder and robbery, and midnight conflagration, as the most constitutional and loyal means of seeking redress, and in approaching his sovereign with this premeditated and unblushing imposition. And is there salvation for a

country, in which gentlemen of rank and fortune, headed by a christian bishop, can be misled into such acts of criminal folly and levity, not to bestow upon them a harsher epithet. About the same period a similar act of wisdom was committed in the county of Kildare, and a similar petition was hawked about that county for signatures, to which it is said the name of a mendicant cripple is affixed, whose station for more than twenty years has been on the high way at half a mile's distance from Naas, and who must be familiar to every gentleman that has travelled on the southern road. And I have been informed, by unquestioned authority, that a peer of the realm did spend an entire day in the little town of Leixlip soliciting signatures to this petition, and that his canvass was retarded more than an hour by a blacksmith, who resisted the importunities practised upon him to forsake his hammer and his anvil, and to addict himself to the politicks of his noble preceptor. What was the consequence of this act of criminal folly in the county of Kildare? From a state of perfect tranquillity and good order, it became almost immediately a scene of general tumult and outrage, inso-much that the resident gentlemen were compelled to seek for safety and protection by maintaining regular military garrisons in their houses, and fortifying every part of them, which was open to assault, and such was the base and brutal spirit of the insurgents, that their best benefactors were marked for destruction. Mr. Conolly, who had spent the whole of his life and a princely fortune amongst them, who was more than seconded in acts of unbounded charity and benevolence by that excellent woman; who, if perfection be the lot of human nature, is a model of it; who has employed the whole of her life in administering comfort to the poor in a district of miles around her, as if they were members of her family, who has fed the hungry and clothed the naked, and healed the sick, and brought up their children in the ways of religion and virtue, and honest industry; Mr. Conolly and this most excellent lady were marked as the



objects of plunder and destruction, by the wretches who had existed for a course of more than thirty years by their bounty. And this gentleman and his lady, who have thus devoted their lives, and a great and princely fortune, to acts of unbounded benevolence in a circuit of miles around them, are at this moment indebted for personal safety in their mansion house, to the protection of a military guard, and dare not make use of the lower apartments in it, under the apprehension of a midnight salute of musketry. And the noble lord may rest assured, if he should return to his country residence in Ireland, he may meet the fate from the loyalists of Ballynahinch which was intended for Mr. Conolly by gentlemen of the same stamp at Celbridge.

Notwithstanding the patriotick efforts of some worthy and reverend gentlemen in the county of Down, to persuade the people that their commerce and manufactures were annihilated, and that the acts of outrage and rebellion into which they were seduced, are the most loyal and constitutional means of redress, order and tranquillity were restored in the course of the last summer in a considerable part of that district; a very great number of destructive weapons had been seized and secured in the king's stores. In the county of Down and the adjacent district, more than four thousand pikes, several thousands of fire arms, two small pieces of cannon and a howitzer. And in another district, a noble lord who sits near me was enabled to seize twelve hundred pikes, and two pieces of cannon, six pounders. The people were returning fast to habits of industry, and confidence was so far restored, that justice had in some of the disturbed counties resumed its course, insomuch that several persons were capitally convicted of treason and murder, others of administering unlawful and treasonable oaths—amongst the latter, a man of better rank in society, of the name of William Orr. Instantly a new revolutionary engine was set at work, and the administration of justice was systematically libelled in all its departments. A news-

paper has been set up in the metropolis, if report is to be credited, at the suit of a young gentleman who may one day have a seat in this house, systematically to degrade the administration of justice; and this Mr. William Orr has been publicly held out as a martyr, and a victim sacrificed by the executive government in violation of criminal justice; and a gentleman, whom I believe the people of England have the happiness to behold as one of their representatives, has with equal decency and wisdom, at a late drunken tavern meeting in another country, given by way of sentimental toast, "the memory of William Orr, who was basely murdered in Ireland;" and his neighbour, not to be outdone in wisdom and discretion by this worthy senator, announced to the chairman his sentiment, "that the Irish cabinet may soon take the place of Mr. Orr." I have informed myself accurately of the circumstances which attended this unhappy man's conviction, which I will state, and as I state them in the hearing of the noble and learned lord who sat upon his trial, if I should commit any the most trivial mistake, I have no doubt he will set me right. He was indicted for administering an unlawful oath to two soldiers of the names of Wheatly and Lindsay, an oath certainly intended to seduce them from their duty; what led to the discovery of their seduction was, the seizure of some official papers at Londonderry, upon a committee of United Irishmen, in which these two soldiers were returned by name by one of their corresponding committees, as *being up*, which is the cant phrase of the brotherhood to describe its members: these men were immediately seized by their officers, and examined separately, and on their examination, they both agreed in the detail of their evidence, and having sworn information before a magistrate against Mr. Orr, for administering an oath of seduction to them, he was arrested, and brought to trial. On his trial both the soldiers were examined, and proved distinctly, that Orr had administered the oath to them in the presence of several persons, whom they



named; and after a long and puzzling cross examination, as I am informed, nothing appeared which could invalidate their testimony. An attempt was made by the prisoner, in his defence, to impeach the credit of one of them, I think of Wheatly, in which he failed so completely, that the learned lord who presided at the trial could not even take down this evidence on his note book; but no attempt whatever was made at or after the trial, to impeach the credit or to invalidate the testimony of Lindsay; and although both the soldiers named several persons who had been present when they were sworn by the prisoner, not one of them was produced on his part or examined in contradiction of the soldiers. On this evidence the jury found him guilty, and recommended him to mercy; the next day a motion was made in arrest of judgment, and to the scandal and disgrace of the profession to which I belong, in a partial and garbled report of the trial of this unhappy man, which every lawyer who reads it must see is the production of a barrister, the publick are given to understand that that there was but one count in the indictment to which the objection was made in arrest of judgment; and the publick are also given to understand that this unhappy man was tried and convicted under an expired statute, although it is clear as any point could be, that the original statute would not have expired till the end of this session of parliament; and an act had passed last year for explaining and amending it, which is altogether suppressed, and although these were the counts in the indictment, to all of which the evidence on the trial equally applied, and two of them were unobjected to by the prisoner's counsel, yet is this circumstance also suppressed; and in the same garbled and mutilated report, an affidavit of two of the jurors is printed, that whiskey was introduced into the jury room, and that they were drunk when they gave their verdict; and to the scandal and disgrace of an honourable profession, in the same report, one of the prisoner's counsel is represented as having stated this affidavit in open court, on the flimsy pre-

tence of moving the court of Oyer and Terminer for an attachment against these jurymen, upon the voluntary affidavit which they had been prevailed upon to make, accusing themselves of having given their verdict in a state of intoxication; and in the same report a voluntary affidavit of a dissenting clergyman, taken most improperly by a magistrate after Orr's conviction, is also printed, in which he states some time since he attended Wheatley at the village of Rasharkin on a sick bed, when he confessed that he had committed a number of crimes, and amongst others the crime of perjury; and in the same affidavit he describes Wheatley pretty plainly, as being in a state of mental derangement when he made this confession. On the return of the learned lord to town he laid the recommendation of the jury before the lord lieutenant, and being asked by his excellency whether he had a doubt on his mind of the guilt of Mr. Orr, and whether he would join in recommending him to mercy? the learned lord declared he had no doubt on his own mind of the guilt of this unhappy man, and that he could not recommend him to mercy consistently with his duty. His excellency notwithstanding this declaration of the learned lord, respited Mr. Orr, to give time for inquiry whether any justifiable ground could be laid for extending mercy to him, and finding that nothing could be substantiated to shake the justice of his conviction, the unhappy man was left for execution. The affidavits which I have stated never were laid before the lord lieutenant; but if they had, is there a man with a trace of the principles of justice in his mind, who will say that such affidavits ought to be attended to? Is it to be supposed that a judge would receive a verdict from a jury in a state of intoxication? Or was it ever heard that a jurymen was received, by voluntary affidavit, to impeach a verdict in which he had concurred? Will any man with a trace of criminal justice in his mind say, that a voluntary affidavit of a person not produced, unexamined at the trial, ought to be received after conviction, to impeach the credit of a



witness who was examined and cross examined, and whose credit stood unimpeached by legal evidence? If such an affidavit were to lay the necessary foundation of a pardon after conviction, I will venture to say there is no man who may be convicted hereafter of any crime, however atrocious, that will not be able to obtain a similar affidavit. I wish magistrates to know, that in taking such affidavits they are guilty of a gross breach of duty; they have no jurisdiction or authority to administer voluntary oaths or to take voluntary affidavits. The person who takes such an oath, or makes such an affidavit, cannot be convicted of perjury if he swears falsely; and I am sorry to say, that it is no uncommon practice in magistrates to sign instruments which are called affidavits, without obliging the persons who sign them to make oath as to the truth of their contents. If a doubt could be entertained upon the evidence given on his trial of the guilt of Mr. Orr, his dying declaration seems to me to be a plain confession of it; he is made to declare generally that the soldiers who accused him were forsworn, but for this general declaration he had this plain subterfuge—that *he* had administered an oath to them, not to give evidence against any brother of the Union. He seems distinctly to avow the offence of which he was convicted, and to deny the justice and authority of the statute which makes it a capital crime. The fact is, that this unhappy man was a principal and confidential member of the brotherhood, and his execution was considered a fatal blow to the cause of treason; and therefore it is that all this outcry has been raised, in the hope of doing away the effects of such an example, and of terrifying judges from discharging their duty, and the executive government from presuming to withhold pardon from any leading member of the brotherhood who may hereafter be convicted. The wretched beings of the inferiour orders whom they seduce, are consigned to their fate without remorse or murmur.

Soon after the execution of Mr. Orr, a most atrocious libel was published on the judge who had tried

him, and on his excellency the lord lieutenant, for suffering justice to take its course; and a wretched printer of the name of Finerty, who had been put forward to swear himself the sole proprietor of the newspaper in which it was published, was tried and convicted, and sentenced to the pillory and imprisonment on an indictment for the publication: and in order to do away the effects of this example, a new expedient was devised; a libel infinitely more flagrant and mischievous was immediately circulated in pamphlets and newspapers, as the speech of one of his majesty's council, delivered by way of defence for the printer on his trial: I will not believe that an honourable profession has been scandalized and degraded by the delivery of such a farrago of falsehood and sedition in a court of justice: I will not believe that any gentleman who wears the gown of that honourable profession, could be found to insinuate broadly to the jury who were to give a verdict on the trial of his client, that they were packed and garbled, because the sheriff by whom they were impannelled derived his authority from the crown: I will not believe that any gentleman of that honourable profession would venture to state distinctly, that his client could expect from the judge to whom he addressed himself, at best but a cold and inanimate statement of facts, and the law arising from them, thus in plain terms insinuating, in the true spirit of the brotherhood, that the sources of criminal justice are poisonous and corrupted. No. In their rage for degrading the administration of justice, they would blast the character of their retained advocate, by falsely and foully representing him as sacrificing his miserable client to the cause of sedition and treason, and by imputing a libel to him for which the author ought to have accompanied Mr. Finerty on the pillory.

I trust the noble lord has heard enough on this night to open his eyes with respect to the state of the kingdom of Ireland. But if any thing is wanting to flash conviction on his mind, of the disloyalty and treason of the Irish Union, let him look to what is



now passing in the southern and midland districts; during all the disturbances which prevailed in other parts of the kingdom, we were in a state of profound tranquillity and contentment there; the farmers had already tasted the sweets of sober industry; agriculture was increasing most rapidly, and the country wore the face of wealth, and comfort, and happiness; nay more, the condition of the lowest order of the peasantry was meliorated in a degree that I never flattered myself I should have lived to witness. We never heard there of parliamentary reform or catholick emancipation; and if the noble lord was to talk of either to a farmer or a peasant of the southern or western province, he would comprehend him as little as he would understand the quotation from Tully which his lordship has just now made; when the enemy appeared on the coast in the last year, a general sentiment of loyalty prevailed in all ranks and degrees of the people, who vied with each other, in contributing to defend their country against the invaders; on the report of general Hoche, at his return to France, of this unexpected loyalty in the people of Ireland, the ambassadours of the Irish Union resident at Paris, were reproached with having imposed upon the directory, and in consequence of this reproach, instructions were transmitted to the Irish directory to organize the south of Ireland, as they had organized the north; and accordingly emissaries have been employed to seduce the people of that district with so much success, that there has been a sudden and immediate transition in almost every part of the province of Munster, and also in many counties in Leinster, from peace and good order, and contentment, to general tumult and outrage, and every species of cruelty and barbarism. Will the noble lord say, that the present disturbed state of the southern district is to be imputed to the system of coercion, as he calls it, acted upon by the government of Ireland, and encouraged by the British cabinet? Coercion, as he calls it, was never put into practice there, till unhappily the recent seduction of the giddy and deluded people of that district compel-

led the magistrates and resident gentlemen to fly for refuge to the executive government, and to call for the execution of the insurrection act in their own defence. But I make no doubt that we shall soon be told by some of the noble lord's political friends in Great Britain, that the miserable inhabitants of the south of Ireland have been goaded to insurrection by the system of coercion, and that they have only fought for parliamentary reform and catholick emancipation by the most loyal and constitutional means; and certainly this story may be told of the people of the south, with the same degree of truth with which it has been propagated by the injured inhabitants of the north. Let me now make a serious and solemn appeal to the noble lord; let me call upon him to state distinctly and unequivocally whether he believes there is at this hour an organized and extended system of treason rooted in the kingdom of Ireland? If he answers that he does not believe it, let me ask him what he considers to be symptoms or proofs of treason? Does he consider the project of levying a revolutionary army a proof of treason? Does he consider the seduction of the king's troops a proof of treason? Does he consider a conspiracy to seize the king's forts and arsenals a proof of treason? Such a conspiracy was detected within the last month at Athlone. Does he consider the formation of secret depots of arms and ammunition a proof of treason? Does he consider the concealment of cannon as a proof of treason? Does he consider the distribution of pikes amongst the lowest order of the people a proof of treason? Does he consider the mystick revolutionary government of the Irish Union as a proof of treason? Does he consider a regular correspondence carried on by the executive directory of the Union with the king's enemies to be a proof of treason. The fact is so notorious that I must suppose the noble lord has heard that there now is and has been for a considerable time an accredited minister plenipotentiary of the Irish directory resident at Paris; a man who received the rudiments of his education in a seminary of Jesuits, and completed it in the office of



an attorney at law. The noble lord has I presume also heard that the Irish directory had three accredited ministers resident at Lisle during the late negotiation for peace, to counteract the king's minister, lord Malmesbury. I make no doubt the noble lord would recognise these gentlemen if he were to hear their names, as they are all natives of Belfast. And let me ask the noble lord whether he has come express to this kingdom, seriously to recommend to us to oppose conciliation to rebellion, to oppose cannon and pikes with concession, and sentiment, and romance, and fine feeling. If the noble lord had been so opposed in America, there can be no doubt what would have been the event of his campaigns. But if the noble lord has so much confidence in conciliation, he certainly has not commenced his operations with judgment; he should have set out by making his proposition to the directory of the Union; and first, let me ask him whether he knows of whom the directory is composed; if he does, he will do a very signal service to the nation by disclosing their names. I suspect very strongly that the noble lord has seen and communicated with some of them since his last arrival in Ireland; not officially as members of the directory, for I am pretty confident they would feel the same reluctance in communicating officially with the noble lord, that they would feel in communicating with me; but as members of the head committee of grievances appointed to collect materials for this long expected debate. I am apt to suspect that some of the directory may have tendered their services to the noble lord. If they will negotiate with him, he will find the event to be that we shall be desired, by way of preliminary, to lay down our arms, to restore to the Union all the arms and ammunition which we have taken from them, to repeal the test laws and the act of supremacy, and to give them a democrattick house of commons upon the basis of general suffrage, and when the preliminaries are conceded, in the true spirit of their brethren of France, they will tell us what further concessions they may have to demand.

I fear I have exhausted your lordships' patience, and I have very nearly exhausted my strength. But, before I sit down, I must very shortly advert to the system of conciliation which the noble lord has recommended, and first to the system of emancipation; a phrase I must say of equal wickedness and folly, when applied to any class of his majesty's subjects in this kingdom. Does the noble lord know that the whole code of the popery laws enacted since the revolution has been repealed; and that there is not at this hour a single disability affecting a Papist or Roman Catholick, save one, that is a restriction in the use of fire arms to men possessed of a freehold of the yearly value of ten pounds, or of a personal estate, I think, of three hundred pounds in value, a restriction which I sincerely wish was extended to all his majesty's subjects in this kingdom without distinction; and therefore when the noble lord talks of emancipating the Papists of Ireland, or of restoring them to the benefits of the constitution, he does not speak with all the accuracy which might be expected of him. I know of no word more frequently in use than the constitution, nor of any which is so often abused. I will state to the noble lord what my notions are of the British constitution; and if I am mistaken he will set me right. A government springs from it which affords equal protection to all his majesty's subjects in their characters, their lives, their liberties, and their property. Will the noble lord say, that the character, the life, the liberty, and the property of a Roman Catholick have not the same protection from the law in this kingdom, that is extended to every other member of the community?

I take it to be a vital principle of the constitution, that the church and state are intimately and inseparably united, clinging both to the other for support; and therefore it is, that every subject in these kingdoms, is bound by laws coeval with the constitution as now established, before he can be admitted to the exercise of any efficient power, ecclesiastical or



civil derived under it, to give a solemn and unequivocal pledge of his allegiance to the establishment in church and state; laws which bind us all indifferently, and therefore, when the modern cant of emancipation is applied to the test laws, it seems to be a distinct avowal by those who use it, that this branch of political reform means nothing short of revolution. The altar is the main pillar of the throne, and if we shall ever be so mad as to repeal the laws made to guard our ecclesiastical establishment, we shall in my opinion at the same moment shake to its foundation the British monarchy. 'Till the era of modern illumination, it never was supposed that a limited monarchy could exist without test laws; that they were essential to maintain the constitutional balance between the different powers of which our government is composed, to prevent the crown from committing the judicial and ministerial powers of the state to disaffected persons, and to prevent the people from committing the great and extensive powers exercised by their representatives to persons of the same description. The founders of the Irish Union had sagacity to see that the first necessary step in their plan of revolution, was to abolish all religious distinctions in the state, and it baffles all human calculation to discover any sound principle upon which we have heretofore acted, in outstripping them in advances to the attainment of this their favourite object. When the noble lord adopts the modern system of emancipation, I wish he would bring the subject forward distinctly, and let us view it in all its bearings. I should thank him to bring forward a detailed and practicable plan of rational government, under his proposed system of emancipation. That he would first show us the practicability of repealing the act of supremacy; an act which annexes the ecclesiastical jurisdiction in Ireland to the imperial crown of England. I should thank him to explain how the repeal of this act is practicable, without the authority of a British statute, authorizing the keeper of the great seal in England to affix it to an act, for

making partition of this jurisdiction in Ireland with his holiness the pope : and if the two houses of parliament in Great Britain shall pass such an act, I shall thank the noble lord for his solution of another difficulty, and that is, in what manner his majesty can be enabled to assent to an act giving such an authority to the keeper of the great seal, or to an act repealing the act of supremacy, consistently with the statute limiting the crown to the house of Hanover, or with the coronation oath ; and, above all, I shall thank the noble lord, if his plan of emancipation should take place, to explain his nostrum for maintaining a protestant church by a popish state, and to explain his new system of ecclesiastical jurisprudence, to be administered by judges who deny the source of all existing ecclesiastical authority in these kingdoms. If there ever was a subject which ought to be treated with an anxious and trembling caution, it is this subject of Catholick claim and demand of exemption from the test laws and acts of supremacy. But caution and sober deliberation have been contemptuously disclaimed. The people have been told from high popular authority, that they should by no means forego the opportunity of the war in urging their claims ; that they should instantly embrace, and greatly emancipate ; and that they must extinguish all members of the community who are startled by this magnificent project, or they will be extinguished by them. I might perhaps be excused for speaking with some degree of warmth on this subject, for I was within a hair's breadth of being extinguished, immediately after this sublime lesson of great emancipation and general extinguishment was promulgated.

Upon the subject of emancipation, will the noble lord allow me to make a very earnest request to him, and if he will indulge me in it, I shall really acknowledge myself deeply indebted to him ? Will the noble lord have the goodness on his return to Great Britain, to oblige me, by proposing a repeal of the test laws and the act of supremacy, in the British house of



lords? I am pretty confident the noble lord will not grant me this request: and he will not grant it, because he knows, that if he were to make such a proposition there, he would soon learn, that it is treason to the British constitution. He would there be taught to know that the house of Stuart was expelled the British throne for a similar attempt, and that any man who should dare to propose such a repeal in the British parliament, did by the proposition, condemn the title of the illustrious house of our monarch to the British throne. If the noble lord were to talk of repealing the test laws, and the act of supremacy in Great Britain, by way of conciliation, he would be told, that he retailed the fulsome cant of James's memorable declaration for liberty of conscience; and I wish the noble lord to read that famous proclamation, in which he will find the stale and flimsy pretext of conciliating and uniting men of all religious persuasions, in the support of government and the constitution, held out to the people of England by that deluded bigot, to reconcile them to the introduction of Papists into both houses of parliament, and into the efficient offices of the state, civil and military.

Upon the second head of the noble lord's conciliatory project, I shall say but little: the opinions of the noble lord upon this subject seem to have received a very sudden twist since his last arrival in Ireland. The noble lord has stated this night, that his opinion recently and publickly delivered upon this subject, was confined altogether to parliamentary reform, in Great Britain; I must therefore conclude, that such was the noble lord's reservation when he delivered that opinion, although it was delivered without reservation or qualification, in a debate introduced by him exclusively on the subject of Ireland; but as the noble lord still avows his disapprobation of parliamentary reform in Great Britain, as a measure at best doubtful in point of advantage, and imminently hazardous in the probable consequences; let me now put it to him, how infi-

nately more hazardous and critical will be the experiment in this kingdom. If the noble lord will look to the political situation of Great Britain and Ireland, connected under one common sovereign, each country governed by a parliament perfectly distinct from and independent of the other, the imperial system for both kingdoms, will appear to be the most critical and complicated that has ever subsisted in Europe: to a common observer it would appear to be utterly impracticable. However, experience has proved, that in the midst of popular turbulence, and in the convulsion of rancorous and violent party contests, the Irish parliament as it is now constituted, is fully competent to all practical and beneficial purposes of government; that it is fully competent to protect this, which is the weaker country, against encroachment, and to save the empire from dissolution, by maintaining the constitutional connection of Ireland with the British crown. And, therefore, if the noble lord feels the imminent hazard of innovation in the constitution of Great Britain, how much more cautious ought he to be of making experiments in Ireland, more particularly when they have been first devised for the avowed purpose of destroying the subtile and attractive principles of adhesion, which have heretofore preserved the empire from dissolution. But let me suppose for a moment that the noble lord's conciliatory system was free from difficulty or objection, will he, as a statesman, seriously recommend to the Irish parliament to yield to rebellion the claimed redress of speculative political grievances? Will the noble lord, as a statesman, recommend to us as a measure of sound policy, to repeal our test laws and act of supremacy, and to reform the other house of parliament, in the hope by such an act of conciliation and concession, to put down a determined rebellion? If we are to make such a precedent for the encouragement of rebellion, I beg of the noble lord to say where are we to draw the line; and if he will not subscribe to my opinion on this subject, I beg to refer him to a right honourable gentleman in another coun-



try, of the first ability as a statesman, who, in the year 1783, did most emphatically declare his opinion as a cabinet minister, that the existence of legitimate government in Ireland depended on the dispersion of a military convention, then assembled for the reform of parliament, and on the indignant rejection of any proposition which they might presume to make upon the subject. In that convention I will venture to say there was not a single rebel. There was not a member of it who would not willingly have shed his blood in the defence of his sovereign and of the constitution. But I did then agree with that right honourable gentleman, that there must be an end of all legitimate government, if political claims are to be advanced at the point of the bayonet; and if I did at that period refuse to listen to a proposition for parliamentary reform, made to the house of commons by a military convention, composed of very worthy gentlemen, who had been giddily betrayed into such an act of indiscretion, I will not now listen to much more extravagant claims pressed upon me under the terror of impending rebellion. If the conciliatory system recommended by the noble lord is to be debated on its intrinsic merits, let me advise him to apply to the directory of the Irish union in the first instance. Let the directory withdraw their minister plenipotentiary from Paris; let them dissolve their revolutionary government at home; let them deliver up their cannon and pikes which have heretofore escaped the vigilance of civil and military officers; let them withdraw their emissaries who have been sent forth to seduce the people from their allegiance, and absolve them from the treasonable engagements with which they have been seduced; and let them then submit their claims and their grievances to calm discussion by the legislature.

I will once more appeal to the noble lord, and call upon him to wave all vague and general questions, and to state distinctly the grievance, if it exists, of which the people of Ireland can with justice complain against the British government, the Bri-

tish parliament, or the British nation ; or against the government or parliament of their own country. In 1779 they demanded a free trade, and it was granted to them. In 1782 they were called upon to state the measure of their grievances, and the redress which they demanded ; and redress was granted to the full extent of their demands. In 1783 they were dissatisfied with the redress which they had pointed out, and acknowledged to be complete and satisfactory, and it was extended to the terms of their new demand. In 1785 they demanded a commercial treaty with Great Britain, and she made them a fair and liberal offer which they were pleased to reject with childish folly. In 1789 they demanded a place bill, a pension bill, and a responsibility bill, as necessary to secure the constitution established in Great Britain and Ireland in 1688, and renewed in Ireland in 1782, which they pledged themselves to support to the last drop of their blood. They had their place bill, and their pension bill, and their responsibility bill, and much more than they had ever demanded upon that score. For his majesty was pleased to surrender his hereditary revenue, and to accept a civil establishment for his life, by which parliament was enabled to make a general appropriation of the revenues, and to limit the crown in granting pensions ; and his majesty was also pleased to put the office of lord treasurer into commission : And by these regulations they obtained the same security for the constitution as established at the revolution in 1688, which the people of Great Britain enjoy, and at the time when this security was given to them, the parliament of Great Britain repealed and explained the British navigation laws by which we were prohibited from exporting the produce of the British colonies and plantations from this country to Great Britain, a boon of all others the most essential to our foreign trade, for by it we have the certain issue of the British market for any surplus of plantation goods imported into Ireland above our own consumption. About the same period every disability which had affected Irish papists was removed, save a restriction in the use of fire-arms, which extends only to the lowest order of



the people; and sober and thinking men might reasonably have hoped that the stock of grievances was exhausted, and that they might have been allowed some short respite from popular ferment. In this expectation, however, we have been deceived, and when every other topick of discontent had failed, the government and constitution, as established at the revolution, has been discovered by the gentlemen who pledged themselves, in 1789, to defend and maintain it to the last drop of their blood, to be a slavish monopoly, inconsistent with the civil and religious liberties of the people. And is the noble lord so credulous in this instance as to suppose that if this new project should succeed, and the slavish monopoly of the revolution was abolished, the account of grievances would be closed—*Uno avulso non deficit alter, & simili frondescit Virga metallo.*

If the noble lord wishes to know the genuine source of ostensible Irish grievances, he will be enabled to trace it to some of his political friends and connexions in Great Britain and Ireland. The genuine source of Irish complaint against the British government is, that they will not second the ambitious views of some gentlemen who claim an exclusive right to guide the publick mind, and to monopolize to themselves and their dependants the power and patronage of the crown. The genuine cause of complaint against the British cabinet is, that they will not suffer these gentlemen to erect an aristocratick power in Ireland which shall enable them to dictate to the crown and the people; which shall enable them to direct and control the administration of Great Britain, by making the government of this country impracticable by any but their political friends and allies. Upon what just grounds these arrogant pretensions are advanced, I have not as yet been enabled to discover. I am willing to give the noble lord full credit for the sincerity of his professions, and to believe that his object is to tranquillize this giddy and distracted country, and therefore I will take the liberty most earnestly to advise him not to renew the strange exaggerated statements which he has been in the habit of making on

Irish affairs in the British house of lords, where they can have no other effect than mischief. Let me advise him also most earnestly to exert the influence which his high name and character must give him with his political connexions in Great Britain, to induce them to confine their political warfare to the theatre of their own country, and to cease to dabble in dirty Irish faction. It is one great misfortune of this country that the people of England know less of it, than they know perhaps of any other nation in Europe. Their impressions I do verily believe to be received from newspapers, published for the sole purpose of deceiving them. There is not so volatile nor so credulous a nation in Europe as the Irish. The people are naturally well disposed, but are more open to seduction than any man would credit, who had not lived amongst them. If I am to speak without disguise, civilisation has not made any considerable progress amongst us, and therefore the kingdom of Ireland is, of all the nations of Europe, the most dangerous to tamper with, or to make experiments upon. Her present disturbed and distracted state has certainly been the consequence of a series of experiments practised upon her for a course of years. If the gentlemen of Ireland who have a permanent interest in the safety of the state, could be prevailed upon to adjourn their political quarrels and resentments to a period when they might be renewed, without endangering every thing which is worth preserving in society, and to unite against the common enemy, I should feel no manner of apprehension for the event of the contest in which we are engaged, with foreign and domestick enemies. But whilst we are divided, and men of rank and character are found ready to hazard every thing for the possible success of little paltry personal objects, the crisis becomes awful indeed. If Ireland is to be tranquillized, the first step towards it must be, to crush rebellion. No lenity will appease the factious rancour of modern Irish reformers, nor will any measure of conciliation satisfy them short of a pure democracy, established by the influence, and guarantied by the power of the French republick.



## MR. PITT'S SPEECH,

DELIVERED IN THE HOUSE OF COMMONS, FEBRUARY 3, 1800,  
ON A MOTION FOR AN ADDRESS TO THE THRONE, APPROV-  
ING OF THE ANSWERS RETURNED TO THE COMMUNICATIONS  
FROM FRANCE, RELATIVE TO A NEGOTIATION FOR PEACE.

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AS soon as the "wily Corsican" had usurped the throne of his *murdered sovereign*, it became his policy to conclude at least a temporary peace, that he might the more speedily recruit the exhausted strength of France, and fix those arrangements by which security was to be given to his own "bad eminence" and violently acquired authority. With this design, overtures of peace were made to England in a letter highly conciliatory, which he wrote himself to the king. They were not, however, accepted. The answer to the letter by lord Grenville, then secretary of state, expressed as the ground of the refusal to negotiate, a distrust of the *stability* of the existing government of France, but at the same time declared, that whenever a prospect of a *lasting* peace should be afforded, the king would most cheerfully concert with his allies the means of effecting it.

The propositions of the Chief Consul being laid before parliament, the rejection of them was vehemently attacked by the opposition, and as warmly vindicated by the ministry. The two distinguished rivals, Pitt and Fox, never appeared to greater advantage than in that discussion. Their splendid speeches

are admirably reported, and are here inserted in the order of delivery. No where are their talents better contrasted, or the distinctive features of their eloquence more delicately exhibited. These speeches are important in another respect. They present us with a distinct and authentick view of the system of politicks of the opposite parties of England, as delineated by their respective leaders, from the dawn of the French revolution. Who, in this contest won the victory, or deserved the prize, it is not easy to decide. Combatants have rarely been so equally matched.

### SPEECH, &c.

SIR,

I AM induced, at this period of the debate, to offer my sentiments to the house, both from an apprehension that, at a later hour, the attention of the house must necessarily be exhausted, and because the sentiment with which the honourable and learned gentleman\* began his speech, and with which he has thought proper to conclude it, places the question precisely on that ground on which I am most desirous of discussing it. The learned gentleman seems to assume, as the foundation of his reasoning, and as the great argument for immediate treaty, that every effort to overturn the system of the French revolution must be unavailing, and that it would be not only imprudent, but almost impious to struggle longer against that order of things, which, on I know not what principle of predestination, he appears to consider as immortal. Little as I am inclined to accede to this opinion, I am not sorry that the honourable gentleman has contemplated the subject in this serious view. I do indeed consider the French revolution as the severest trial which the visitation of Providence has ever yet inflicted upon the nations of the earth; but I cannot help reflecting, with satisfaction, that this country, even under such a trial, has not only been exempted from

\* Mr. Erskine.



those calamities which have covered almost every other part of Europe, but appears to have been reserved as a refuge and asylum to those who fled from its persecution, as a barrier to oppose its progress, and perhaps ultimately as an instrument to deliver the world from the crimes and miseries which have attended it.

Under this impression, I trust, the house will forgive me, if I endeavour, as far as I am able, to take a large and comprehensive view of this important question. In doing so, I agree with my honourable friend, that it would, in any case, be impossible to separate the present discussion from the former crimes and atrocities of the French revolution; because both the papers now on the table, and the whole of the learned gentleman's argument, force upon our consideration, the origin of the war, and all the material facts which have occurred during its continuance. The learned gentleman has revived and retailed all those arguments from his own pamphlet, which had before passed through thirty-seven or thirty-eight editions in print, and now gives them to the house, embellished by the graces of his personal delivery. The first consul has also thought fit to revive and retail the chief arguments used by all the opposition speakers, and all the opposition publishers, in this country during the last seven years. And (what is still more material) the question itself, which is now immediately at issue—the question, whether under the present circumstances, there is such a prospect of security from any treaty with France, as ought to induce us to negotiate, cannot be properly decided upon, without retracing, both from our own experience, and from that of other nations, the nature, the causes, and the magnitude of the danger, against which we have to guard, in order to judge of the security which we ought to accept.

I say then, that before any man can concur in opinion with that learned gentleman; before any man can think that the substance of his majesty's answer is any other than the safety of the country required;

before any man can be of opinion, that to the overtures made by the enemy, at such a time, and under such circumstances, it would have been safe to have returned an answer concurring in the negotiation—he must come within one of the three following descriptions: He must either believe, that the French revolution neither does now exhibit, nor has at any time exhibited such circumstances of danger, arising out of the very nature of the system and the internal state and condition of France, as to leave to foreign powers no adequate ground of security in negotiation; or, secondly, he must be of opinion, that the change which has recently taken place, has given that security, which, in the former stages of the revolution, was wanting; or, thirdly, he must be one who, believing that the danger existed, not undervaluing its extent, nor mistaking its nature, nevertheless thinks, from his view of the present pressure on the country, from his view of its situation and its prospects, compared with the situation and prospects of its enemies, that we are, with our eyes open, bound to accept of inadequate security for every thing that is valuable and sacred, rather than endure the pressure, or incur the risk which would result from a farther prolongation of the contest.

In discussing the last of these questions, we shall be led to consider, what inference is to be drawn from the circumstances and the result of our own negotiations in former periods of the war; whether, in the comparative state of this country and France, we now see the same reason for repeating our then unsuccessful experiments; or whether we have not thence derived the lessons of experience, added to the deductions of reason, marking the inefficacy and danger of the very measures which are quoted to us as precedents for our adoption.

Unwilling, sir, as I am to go into much detail on ground which has been so often trodden before; yet, when I find the learned gentleman, after all the information which he must have received; if he has read any of the answers to his work, (however ignorant he might



be when he wrote it) still giving the sanction of his authority to the supposition, that the order to M. Chauvelin to depart from this kingdom was the cause of the war between this country and France, I do feel it necessary to say a few words on that part of the subject.

Inaccuracy in dates seems to be a sort of fatality common to all who have written on that side of the question; for even the writer of the note to his majesty is not more correct, in this respect, than if he had taken his information only from the pamphlet of the learned gentleman. The house will recollect the first professions of the French Republick, which are enumerated, and enumerated truly, in that note. They are tests of every thing which would best recommend a government to the esteem and confidence of foreign powers, and the reverse of every thing which has been the system and practice of France now for near ten years. It is there stated, that their first principles were love of peace, aversion to conquest, and respect for the independence of other countries. In the same note, it seems indeed admitted that they since have violated all those principles, but it is alleged that they have done so, only in consequence of the provocation of other powers. One of the first of those provocations is stated to have consisted in the various outrages offered to their ministers, of which the example is said to have been set by the king of Great Britain in his conduct to M. Chauvelin. In answer to this supposition, it is only necessary to remark, that before the example was given, before Austria and Prussia are supposed to have been thus encouraged to combine in a plan for the partition of France, that plan, if it ever existed at all, had existed and been acted upon for above eight months. France and Prussia had been at war eight months before the dismissal of M. Chauvelin. So much for the accuracy of the statement.\*

\* Mr. Erskine here observed that this was not the statement of his argument.

I have been hitherto commenting on the arguments contained in the notes. I come now to those of the learned gentleman. I understand him to say, that the dismissal of M. Chauvelin was the real cause, I do not say of the general war, but of the rupture between France and England; and the learned gentleman states, particularly, that this dismissal rendered all discussion of the points in dispute impossible. Now I desire to meet distinctly every part of this assertion. I maintain on the contrary, that an opportunity was given for discussing every matter in dispute between France and Great Britain, as fully as if a regular and accredited French minister had been resident here;—that the causes of war, which existed at the beginning, or arose during the course of this discussion, were such as would have justified, twenty times over, a declaration of war on the part of this country;—that all the explanations on the part of France, were evidently unsatisfactory and inadmissible, and that M. Chauvelin had given in a peremptory ultimatum, declaring, that if these explanations were not received as sufficient, and if we did not immediately disarm, our refusal would be considered as a declaration of war.

After this followed that scene which no man can even now speak of without horror, or think of without indignation; that murder and regicide from which I was sorry to hear the learned gentleman date the beginning of the legal government of France.

Having thus given in their ultimatum, they added as a further demand (while we were smarting under accumulated injuries, for which all satisfaction was denied) that we should instantly receive M. Chauvelin as their ambassadour, with new credentials, representing them in the character which they had just derived from the murder of their sovereign. We replied, “he came here as the representative of a sovereign whom you have put to a cruel and illegal death, we have no satisfaction for the injuries we have received, no security from the danger with which we are threatened. Under these circumstances we will



not receive your new credentials. The former credentials you have yourselves recalled by the sacrifice of your king."

What, from that moment, was the situation of M. Chauvelin? He was reduced to the situation of a private individual, and was required to quit the kingdom, under the provisions of the alien act, which, for the purpose of securing domestick tranquillity, had recently invested his majesty with the power of removing out of this kingdom, all foreigners suspected of revolutionary principles. Is it contended that he was, then, less liable to the provisions of that act than any other individual foreigner, whose conduct afforded to government just ground of objection or suspicion? Did his conduct and connections here afford no such ground? or will it be pretended that the bare act of refusing to receive fresh credentials from an infant republick, not then acknowledged by any one power of Europe, and in the very act of heaping upon us injuries and insults, was of itself a cause of war? So far from it, that even the very nations of Europe, whose wisdom and moderation have been repeatedly extolled for maintaining neutrality, and preserving friendship, with the French republick, remained for years subsequent to this period, without receiving from it any accredited minister, or doing any one act to acknowledge its political existence.

In answer to a representation from the belligerent powers, in December, 1793, count Bernstorff, the minister of Denmark, officially declared, that, "It was well known, that the national convention had appointed M. Grouville minister plenipotentiary at Denmark, but that it was also well known, that he had neither been received nor acknowledged in that quality." And as late as February, 1796, when the same minister was at length, for the first time, received in his official capacity, count Bernstorff, in a publick note, assigned this reason for that change of conduct, "so long as no other than a revolutionary government existed in France, his majesty could not acknowledge the minister of that government; but now that the

French constitution is completely organized, and a regular government established in France, his majesty's obligation ceases in that respect, and M. Grouville will therefore be acknowledged in the usual form." How far the court of Denmark was justified in the opinion, that a revolutionary government then no longer existed in France, it is not now necessary to inquire; but whatever may have been the fact, in that respect, the principle on which they acted is clear and intelligible, and is a decisive instance in favour of the proposition which I have maintained.

Is it then necessary to examine what were the terms of that ultimatum with which we refused to comply? Acts of hostility had been openly threatened against our allies; an hostility founded upon the assumption of a right which would at once supersede the whole law of nations; the pretended right to open the Scheldt we discussed, at the time, not so much on account of its immediate importance (though it was important both in a maritime and commercial view) as on account of the general principle on which it was founded. On the same arbitrary notion they soon afterwards discovered that sacred law of nature, which made the Rhine and the Alps the legitimate boundaries of France, and assumed the power which they have affected to exercise through the whole of the revolution, of superseding, by a new code of their own, all the recognised principles of the law of nations. They were, in fact, actually advancing towards the republick of Holland, by rapid strides, after the victory of Jemappe, and they had ordered their generals to pursue the Austrian troops into any neutral country; thereby explicitly avowing an intention of invading Holland. They had already shown their moderation and self-denial, by incorporating Belgium with the French republick. These lovers of peace, who set out with a sworn aversion to conquest, and professions of respect for the independence of other nations; who pretend that they departed from this system, only in consequence of your aggression, themselves, in time of peace, while you were still con-



fessedly neutral, without the pretence or shadow of provocation, wrested Savoy from the king of Sardinia, and had proceeded to incorporate it likewise with France. These were their aggressions at this period ; and more than these. They had issued a universal declaration of war against all the thrones of Europe ; and they had, by their conduct, applied it particularly and specifically to you : they had passed the decree of the 19th of November, proclaiming the promise of French succour to all nations who should manifest a wish to become free : they had, by all their language as well as their example, shown what they understood to be freedom : they had sealed their principles by the deposition of their sovereign : they had applied them to England, by inviting and encouraging the addresses of those seditious and traitorous societies, who, from the beginning, favoured their views, and who, encouraged by your forbearance, were even then publicly avowing French doctrines, and anticipating their success in this country ; who were hailing the progress of those proceedings in France, which led to the murder of its king : they were even then looking to the day when they should behold a national convention in England, formed upon similar principles.

And what were the explanations they offered on these different grounds of offence ? As to Holland : they told you, the Scheldt was too insignificant for you to trouble yourselves about, and therefore it was to be decided as they chose, in breach of positive treaty, which they had themselves guaranteed, and which we, by our alliance, were bound to support. If, however, after the war was over, Belgium should have consolidated its liberty (a term of which we now know the meaning, from the fate of every nation into which the arms of France have penetrated) then Belgium and Holland might, if they pleased, settle the question of the Scheldt, by separate negotiation between themselves. With respect to aggrandizement, they assured us, that they would retain possession of Belgium by arms, no longer than they

should find it necessary to the purpose already stated, of consolidating its liberty. And with respect to the decree of the 19th of November, applied as it was pointedly to you, by all the intercourse I have stated with all the seditious and traitorous part of this country, and particularly by the speeches of every leading man among them, they contented themselves with asserting, that the declaration conveyed no such meaning as was imputed to it, and that, so far from encouraging sedition, it could apply only to countries where a great majority of the people should have already declared itself in favour of a revolution: a supposition which, as they asserted, necessarily implied a total absence of all sedition.

What would have been the effect of admitting this explanation?—to suffer a nation, and an armed nation to preach to the inhabitants of all the countries in the world, that they themselves were slaves, and their rulers tyrants; to encourage and invite them to revolution, by a previous promise of French support, to whatever might call itself a majority, or to whatever France might declare to be so. This was their explanation; and this, they told you, was their ultimatum.

But was this all? Even at that very moment, when they were endeavouring to induce you to admit these explanations, to be contented with the avowal, that France offered herself as a general guarantee for every successful revolution, and would interfere only to sanction and confirm whatever the free and uninfluenced choice of the people might have decided, what were their orders to their generals on the same subject? In the midst of these amicable explanations with you, came forth a decree which I really believe must be effaced from the minds of gentlemen opposite to me, if they can prevail upon themselves for a moment to hint even a doubt upon the origin of this quarrel, not only as to this country, but as to all the nations of Europe with whom France has been subsequently engaged in hostility. I speak of the decree of the 15th of December. This decree,



more even than all the previous transactions, amounted to a universal declaration of war against all thrones, and against all civilized governments. It said, wherever the armies of France shall come, (whether within countries then at war or at peace is not distinguished) in all those countries it shall be the first care of their generals to introduce the principles and the practice of the French revolution; to demolish all privileged orders, and every thing which obstructs the establishment of their new system.

If any doubt is entertained, whither the armies of France were intended to come; if it is contended that they referred only to those nations with whom they were then at war, or with whom, in the course of this contest, they might be driven into war; let it be remembered, that at this very moment, they had actually given orders to their generals to pursue the Austrian army from the Netherlands into Holland, with whom they were at that time in peace. Or, even if the construction contended for is admitted, let us see what would have been its application, let us look at the list of their aggressions, which was read by my right honourable friend\* near me. With whom have they been at war since the period of this declaration? With all the nations of Europe save two,† and if not with these two, it is only because, with every provocation that could justify defensive war, those countries have hitherto acquiesced in repeated violations of their rights, rather than recur to war for their vindication. Wherever their arms have been carried it will be a matter of short subsequent inquiry to trace whether they have faithfully applied these principles. If in terms, this decree is a denunciation of war against all governments; if in practice it has been applied against every one with which France has come into contact; what is it but the deliberate code of the French revolution, from the birth of the republick, which has never once been departed from, which has been enforced with unre-

\* Mr. Dundas.

† Sweden and Denmark.

mitted rigour against all the nations that have come into their power?

If there could otherwise be any doubt whether the application of this decree was intended to be universal, whether it applied to all nations, and to England particularly? There is one circumstance, which alone, would be decisive—that nearly at the same period it was proposed, in the national convention,\* to declare expressly, that the decree of the nineteenth of November was confined to the nations with whom they were then at war; and that proposal was rejected by a great majority, by that very convention from whom we were desired to receive these explanations as satisfactory.

Such, sir, was the nature of the system. Let us examine a little farther, whether it was from the beginning intended to be acted upon, in the extent which I have stated. At the very moment when their threats appeared to many, little else than the ravings of madmen, they were digesting and methodizing the means of execution, as accurately as if they had actually foreseen the extent to which they have since been able to realize their criminal projects; they sat down coolly to devise the most regular and effectual mode of making the application of this system the current business of the day, and incorporating it with the general orders of their army; for (will the house believe it!) this confirmation of the decree of the nineteenth of November was accompanied by an exposition and commentary addressed to the general of every army of France, containing a schedule as coolly conceived, and as methodically reduced, as any by which the most quiet business of a justice of peace, or the most regular routine of any department of state in this country could be conducted. Each commander was furnished with one general blank formula of a letter for all the nations of the world! The people of France to the people of \_\_\_\_\_ Greeting, "We are come to expel your tyrants." Even this was not all;

\* On a motion of M. Barajillon.



one of the articles of the decree of the fifteenth of December, was expressly, "*that those who should show themselves so brutish and so enamoured of their chains as to refuse the restoration of their rights, to renounce liberty and equality, or to preserve, recall, or treat with their prince or privileged orders, were not entitled to the distinction which France, in other cases, had justly established between government and people; and that such a people ought to be treated according to the rigour of war, and of conquest.*"\* Here is their love of peace; here is their aversion to conquest; here is their respect for the independence of other nations!

It was then, after receiving such explanations as these, after receiving the ultimatum of France, and after M. Chauvelin's credentials had ceased, that he was required to depart. Even at that period, I am almost ashamed to record it, we did not on our part shut the door against other attempts to negotiate, but this transaction was immediately followed by the declaration of war, proceeding not from England in vindication of its rights, but from France as the completion of the injuries and insults they had offered. And on a war thus originating, can it be doubted, by an English house of commons, whether the aggression was on the part of this country or of France? or whether the manifest aggression on the part of France was the result of any thing but the principles which characterize the French revolution?

What then are the resources and subterfuges by which those, who agree with the learned gentleman, are prevented from sinking under the force of this simple statement of facts? None but what are found in the insinuation contained in the note from France, that this country had, previous to the transactions to which I have referred, encouraged and supported the combination of other powers directed against them.

\* Vide decree of the 15th December, 1792.

Upon this part of the subject, the proofs which contradict such an insinuation, are innumerable. In the first place, the evidence of dates; in the second place, the admission of all the different parties in France; of the friends of Brissot charging on Robespierre the war with this country, and of the friends of Robespierre charging it on Brissot; but both acquitting England; the testimonies of the French government during the whole interval, since the declaration of Pilnitz, and the pretended treaty of *Pavia*; the first of which had not the slightest relation to any project of partition or dismemberment; the second of which I firmly believe to be an absolute fabrication and forgery, and in neither of which, even as they are represented, any reason has been assigned for believing that this country had any share. Even M. Talleyrand himself was sent by the constitutional king of the French, after the period when that concert, which is now charged, must have existed, if it existed at all, with a letter from the king of France, expressly thanking his majesty for the neutrality which he had uniformly observed. The same fact is confirmed by the concurring evidence of every person who knew any thing of the plans of the king of Sweden in 1791; the only sovereign who, I believe, at that time meditated any hostile measures against France, and whose utmost hopes were expressly stated to be, that England would not oppose his intended expedition; by all those, also, who knew any thing of the conduct of the emperour or the king of Prussia; by the clear and decisive testimony of M. Chauvelin himself in his despatches from hence to the French government, since published by their authority; by every thing which has occurred since the war; by the publications of Dumourier; by the publications of Brissot; by the facts that have since come to light in America with respect to the mission of M. Genet; which show that hostility against this country was decided on the part of France long before the period when M. Chauvelin was sent from hence; besides this, the reduction of our peace establishment in the year 1791, and continued to the subsequent year,



is a fact from which the inference is indisputable : a fact, which I am afraid, shows not only that we were not waiting for the occasion of war, but that in our partiality for a pacifick system, we had indulged ourselves in a fond and credulous security, which wisdom, and discretion would not have dictated. In addition to every other proof it is singular enough, that in a decree, on the eve of the declaration of war on the part of France, it is expressly stated, as for the first time, that England was then departing from that system of neutrality *which she had hitherto observed.*

But, sir, I will not rest merely on these testimonies or arguments, however strong and decisive. I assert distinctly and positively, and I have the documents in my hand to prove it, that from the middle of the year 1791, upon the first rumour of any measure taken by the emperour of Germany, and till late in the year 1792, we not only were no parties to any of the projects imputed to the emperour, but, from the political circumstances in which we then stood with relation to that court, we wholly declined all communications with him on the subject of France. To Prussia, with whom we were in connexion, and still more decisively to Holland, with whom we were in close and intimate correspondence, we uniformly stated our unalterable resolution to maintain neutrality, and avoid interference in the internal affairs of France, as long as France should refrain from hostile measures against us and our allies. No minister of England had any authority to treat with foreign states, even provisionally, for any warlike concert, till after the battle of Jemappe; till a period subsequent to the repeated provocations which had been offered to us, and subsequent particularly to the decree of fraternity of the 19th of November; even then, to what object was it that the concert which we wished to establish, was to be directed? If we had then rightly cast the true character of the French revolution, I cannot now deny that we should have been better justified in a very different conduct. But it is material to the present argu-

ment to declare what that conduct actually was, because it is of itself sufficient to confute all the pretexts by which the advocates of France have so long laboured to perplex the question of aggression.

At that period, Russia had at length conceived, as well as ourselves, a natural and just alarm for the balance of Europe, and applied to us to learn our sentiments on the subject. In our answer to this application we imparted to Russia the principles upon which we then acted, and we communicated this answer to Prussia, with whom we were connected in defensive alliance. I will state shortly the leading part of those principles. A despatch was sent from lord Grenville to his majesty's minister in Russia, dated the 29th of December, 1792, stating a desire to have an explanation set on foot on the subject of the war with France. I will read the material parts of it.

“The two leading points on which such explanation will naturally turn are the line of conduct to be followed previous to the commencement of hostilities, and with a view, if possible, to avert them; and the nature and amount of the forces which the powers engaged in this concert might be enabled to use, supposing such extremities to be unavoidable.

“With respect to the first, it appears on the whole, subject however to future consideration and discussion with the other powers, that the most advisable step to be taken would be, that sufficient explanation should be had with the powers at war with France, in order to enable those not hitherto engaged in the war to propose to that country terms of peace. That these terms should be, the withdrawing their arms within the limits of the French territory; the abandoning their conquests, the rescinding any acts injurious to the sovereignty or rights of any other nations, and the giving, in some publick and unequivocal manner, a pledge of their intention no longer to foment troubles, or to excite disturbances against other governments. In return for these stipulations, the different powers of Europe, who should be parties to this measure, might engage to abandon all measures,



or views of hostility against France, or interference in their internal affairs, and to maintain a correspondence and intercourse of amity with the existing powers in that country, with whom such a treaty may be concluded. If, on the result of this proposal so made by the powers acting in concert, these terms should not be accepted by France, or being accepted, should not be satisfactorily performed, the different powers might then engage themselves to each other to enter into active measures, for the purpose of obtaining the ends in view; and it may be to be considered, whether, in such case, they might not reasonably look to some indemnity for the expenses and hazards to which they would necessarily be exposed."

The despatch then proceeded to the second point, that of the forces to be employed, on which it is unnecessary now to speak.

Now, sir, I would really ask any person who has been, from the beginning, the most desirous of avoiding hostilities, whether it is possible to conceive any measure to be adopted in the situation in which we then stood, which could more evidently demonstrate our desire, after repeated provocations, to preserve peace, on any terms consistent with our safety; or whether any sentiment could now be suggested which would have more plainly marked our moderation, forbearance, and sincerity? In saying this I am not challenging the applause and approbation of my country, because I must now confess that we were too slow in anticipating that danger of which we had, perhaps, even then sufficient experience, though far short, indeed, of that which we now possess, and that we might even then have seen, what facts have since but too incontestably proved, that nothing but vigorous and open hostility can afford complete and adequate security against revolutionary principles, while they retain a proportion of power sufficient to furnish the means of war.

I will enlarge no further on the origin of the war. I have read and detailed to you a system which was in itself a declaration of war against all nations, which

was so intended, and which has been so applied, which has been exemplified in the extreme peril and hazard of almost all who for a moment have trusted to treaty, and which has not at this hour overwhelmed Europe in one indiscriminate mass of ruin, only because we have not indulged, to a fatal extremity, that disposition, which we have however indulged too far; because we have not consented to trust to profession and compromise, rather than to our own valour and exertion, for security against a system, from which we never shall be delivered till either the principle is extinguished, or till its strength is exhausted.

I might, sir, if I found it necessary, enter into much detail upon this part of the subject; but at present I only beg leave to express my readiness at any time to enter upon it, when either my own strength, or the patience of the house will admit of it; but, I say, without distinction, against every nation in Europe, and against some out of Europe, the principle has been faithfully applied. You cannot look at the map of Europe, and lay your hand upon that country against which France has not either declared an open and aggressive war, or violated some positive treaty, or broken some recognised principle of the law of nations.

This subject may be divided into various periods. There were some acts of hostility committed previous to the war with this country, and very little indeed subsequent to that declaration, which abjured the love of conquest. The attack upon the papal state, by the seizure of Avignon, in 1791, was accompanied with specimens of all the vile arts and perfidy that ever disgraced a revolution. Avignon was separated from its lawful sovereign, with whom not even the pretence of quarrel existed, and forcibly incorporated in the tyranny of one and indivisible France. The same system led, in the same year, to an aggression against the whole German empire, by the seizure of Porentrui, part of the dominions of the bishop of Basle. Afterwards, in 1792,



unprecedented by any declaration of war, or any cause of hostility, and in direct violation of the solemn pledge to abstain from conquest, they made war against the king of Sardinia, by the seizure of Savoy, for the purpose of incorporating it, in like manner, with France. In the same year, they had proceeded to the declaration of war against Austria, against Prussia, and against the German Empire, in which they have been justified only on the ground of a rooted hostility, combination, and league of sovereigns, for the dismemberment of France. I say, that some of the documents, brought to support this pretence, are spurious and false. I say, that even in those that are not so, there is not one word to prove the charge principally relied upon, that of an intention to effect the dismemberment of France, or to impose upon it, by force, any particular constitution. I say, that as far as we have been able to trace what passed at Pilnitz, the declaration there signed referred to the imprisonment of Louis XVI. its immediate view was to effect his deliverance, if a concert sufficiently extensive could be formed with other sovereigns, for that purpose. It left the internal state of France to be decided by the king restored to his liberty, with the free consent of the states of his kingdom, and it did not contain one word relative to the dismemberment of France.

In the subsequent discussions, which took place in 1792, and which embraced at the same time, all the other points of jealousy which had arisen between the two countries, the declaration of Pilnitz was referred to, and explained on the part of Austria in a manner precisely conformable to what I have now stated; and the amicable explanations which took place, both on this subject and on all the matters in dispute, will be found in the official correspondence between the two courts which has been made publick; and it will be found also that as long as the negotiation continued to be conducted through M. Delessart, then minister for foreign affairs, there was a great prospect that those discussions would be amicably terminated; but it is notorious, and has since been clearly proved on

the authority of Brissot himself, that the violent party in France considered such an issue of the negotiation as likely to be fatal to their projects, and thought, to use his own words, that "war was necessary to consolidate the revolution." For the express purpose of producing the war, they excited a popular tumult in Paris; they insisted upon and obtained the dismissal of M. Delessart. A new minister was appointed in his room, the tone of the negotiation was immediately changed, and an ultimatum was sent to the emperor, similar to that which was afterwards sent to this country, affording him no satisfaction on his just grounds of complaint, and requiring him, under those circumstances, to disarm. The first events of the contest proved how much more France was prepared for war than Austria, and afford a strong confirmation of the proposition which I maintain; that no offensive intention was entertained on the part of the latter power.

War was then declared against Austria; a war which I state to be a war of aggression on the part of France. The king of Prussia had declared, that he should consider war against the emperor or empire as war against himself. He had declared, that, as a coestate of the empire, he was determined to defend their rights; that, as an ally of the emperor, he would support him to the utmost against any attack; and that, for the sake of his own dominions, he felt himself called upon to resist the progress of French principles, and to maintain the balance of power in Europe. With this notice before them, France declared war upon the emperor, and the war with Prussia was the necessary consequence of this aggression, both against the emperor and the empire.

The war against the king of Sardinia follows next. The declaration of that war was the seizure of Savoy, by an invading army—and on what ground? On that which has been stated already. They had found out, by some light of nature, that the Rhine and the Alps were the natural limits of France. Upon that



ground Savoy was seized; and Savoy was also incorporated with France.

Here finishes the history of the wars in which France was engaged, antecedent to the war with Great Britain, with Holland, and with Spain. With respect to Spain, we have seen nothing which leads us to suspect, that either attachment to religion, or the ties of consanguinity, or regard to the ancient system of Europe, was likely to induce that court to connect itself in offensive war against France. The war was evidently and incontestably begun by France against Spain.

The case of Holland is so fresh in every man's recollection, and so connected with the immediate causes of the war with this country, that it cannot require one word of observation. What shall I say then on the case of Portugal? I cannot indeed say, that France ever declared war against that country, I can hardly say even that she ever made war, but she required them to make a treaty of peace, as if they had been at war; she obliged them to purchase that treaty; she broke it as soon as it was purchased, and she had originally no other ground of complaint than this—that Portugal had performed, though inadequately, the engagements of its ancient defensive alliance with this country, in the character of an auxiliary; a conduct which cannot of itself make any power a principal in a war.

I have now enumerated all the nations at war at that period, with the exception only of Naples. It can hardly be necessary to call to the recollection of the house, the characteristick feature of revolutionary principles which was shown, even at this early period in the personal insult offered to the king of Naples, by the commander of a French squadron, riding uncontrolled in the Mediterranean, and (while our fleets were yet unarmed) threatening destruction to all the coast of Italy.

It was not till a considerable later period, that almost all the other nations of Europe found themselves equally involved in actual hostility: but it is not a

little material to the whole of my argument, compared with the statement of the learned gentleman, and with that contained in the French note, to examine at what period this hostility extended itself. It extended itself, in the course of 1796, to the states of Italy which had hitherto been exempted from it. In 1797 it had ended in the destruction of most of them; it had ended in the virtual deposition of the king of Sardinia; it had ended in the conversion of Genoa and Tuscany into democrattick republicks; it had ended in the revolution of Venice, in the violation of treaties with the new Venitian republick; and finally, in transferring that very republick, the creature and vassal of France, to the dominion of Austria.

I observe from the gestures of some honourable gentlemen, that they think we are precluded from the use of any argument founded on this last transaction. I already hear them saying, that it was as criminal in Austria to receive as it was in France to give. I am far from defending or palliating the conduct of Austria upon this occasion. But because Austria, unable at last to contend with the arms of France, was forced to accept an unjust and insufficient indemnification for the conquests France had made from it, are we to be debarred from stating what, on the part of France, was not merely an unjust acquisition, but an act of the grossest and most aggravated perfidy and cruelty, and one of the most striking specimens of that system which has been uniformly and indiscriminately applied to all the countries which France has had within its grasp? This only can be said in vindication of France, (and it is still more a vindication of Austria) that practically speaking, if there is any part of this transaction for which Venice itself has reason to be grateful, it can only be for the permission to exchange the embraces of French fraternity for what is called the despotism of Vienna.

Let these facts, and these dates, be compared with what we have heard. The honourable gentle-



man has told us, and the author of the note from France has told us also, that all the French conquests were produced by the operations of the allies. It was, when they were pressed on all sides, when their own territory was in danger, when their own independence was in question, when the confederacy appeared too strong, it was then they used the means with which their power and their courage furnished them; and, "attacked upon all sides, they carried every where their defensive arms."\* I do not wish to misrepresent the learned gentleman, but I understood him to speak of this sentiment with approbation. The sentiment itself is this, that if a nation is unjustly attacked in any one quarter by others, she cannot stop to consider by whom, but must find means of strength in other quarters, no matter where; and is justified in attacking, in her turn, those with whom she is at peace, and from whom she has received no species of provocation.

Sir, I hope I have already proved, in a great measure, that no such attack was made upon France; but, if it was made, I maintain that the whole ground on which that argument is founded cannot be tolerated. In the name of the laws of nature and nations, in the name of every thing that is sacred and honourable, I demur to that plea; and I tell that honourable and learned gentleman, that he would do well, to look again into the law of nations, before he ventures to come to this house, to give the sanction of his authority to so dreadful and execrable a system.†

I certainly understood this to be distinctly the tenour of the learned gentleman's argument; but as he tells me he did not use it, I take it for granted he did not intend to use it. I rejoice that he did not; but at least then I have a right to expect, that the learned

\* Vide Talleyrand's note.

† Mr. Erskine here said, across the house, that he had never maintained such a proposition.

gentleman should now transfer to the French note some of the indignation which he has hitherto lavished upon the declarations of this country. This principle, which the learned gentleman disclaims, the French note avows; and I contend, without the fear of contradiction, it is the principle upon which France has uniformly acted. But while the learned gentleman disclaims this proposition, he certainly will admit, that he has himself asserted, and maintained in the whole course of his argument, that the pressure of the war upon France, imposed upon her the necessity of those exertions which produced most of the enormities of the revolution, and most of the enormities practised against the other countries of Europe. The house will recollect, that, in the year 1796, when all these horrors in Italy were beginning, which are the strongest illustrations of the general character of the French revolution, we had begun that negotiation to which the learned gentleman has referred. England then possessed numerous conquests. England, though not having at that time had the advantage of three of her most splendid victories, England, even then, appeared undisputed mistress of the sea; England, having then ingrossed the whole wealth of the colonial world; England, having lost nothing of its original possessions; England then comes forward, proposing general peace, and offering—what? offering the surrender of all that it had acquired, in order to obtain—what? Not the dismemberment, not the partition of ancient France, but the return of a part of those conquests, no one of which could be retained, but in direct contradiction to that original and solemn pledge which is now referred to, as the proof of the just and moderate disposition of the French republick. Yet, even this offer was not sufficient to procure peace, or to arrest the progress of France in her *defensive operations* against other unoffending countries. From the pages, however, of the learned gentleman's pamphlet (which, after all its editions, is now fresher in his memory than in that of any other person in this house, or in the country) he is furnished with an argument, on the result of the negotiation, on which he appears con-



fidently to rely. He maintains, that the single point on which the negotiation was broken off, was the question of the possession of the Austrian Netherlands, and that it is, therefore, on that ground only, that the war has, since that time, been continued. When this subject was before under discussion, I stated, and I shall state again (notwithstanding the learned gentleman's accusation of my having endeavoured to shift the question from its true point) that the question, then at issue, was not whether the Netherlands should, in fact, be restored; though even on that question I am not, like the learned gentleman, unprepared to give any opinion, I am ready to say, that to leave that territory in the possession of France would be obviously dangerous to the interests of this country, and is inconsistent with the policy which it has uniformly pursued, at every period in which it has concerned itself in the general system of the continent. But it was not on the decision of this question of expediency and policy, that the issue of the negotiation then turned. What was required of us by France was, not merely that we should acquiesce in her retaining the Netherlands, but that, as a *preliminary* to all treaty, and before entering upon the discussion of terms, we should recognise the principle, that whatever France, in time of war, had *annexed* to the republic must remain inseperable for ever, and could not become the subject of negotiation. I say, that, in refusing such a preliminary, we were only resisting the claim of France, to arrogate to itself the power of controlling, by its own separate and municipal acts, the rights and interests of other countries, and moulding, at its discretion, a new and general code of the law of nations.

In reviewing the issue of this negotiation, it is important to observe, that France, who began by abjuring a love of conquest, was desired to give up nothing of her own, not even to give up all that she had conquered; that it was offered to her to receive back all that had been conquered from her; and when she rejected the negotiation for peace upon these grounds, are we

then to be told of the unrelenting hostility of the combined powers, for which France was to revenge itself upon other countries, and which is to justify the subversion of every established government, and the destruction of property, religion, and domestick comfort, from one end of Italy to the other? Such was the effect of the war against Modena, against Genoa, against Tuscany, against Venice, against Rome, and against Naples, all of which she engaged in, or prosecuted, subsequent to this very period.

After this, in the year 1797, Austria had made peace, England and its ally, Portugal (from whom we could expect little active assistance, but whom we felt it our duty to defend) alone remained in the war. In that situation, under the pressure of necessity, which I shall not disguise, we made another attempt to negotiate. In 1797, Prussia, Spain, Austria, Naples, having successively made peace, the princes of Italy having been destroyed, France having surrounded itself, in almost every part in which it is not surrounded by the sea, with revolutionary republicks, England made another offer of a different nature. It was not now a demand that France should restore any thing, Austria having made a peace upon her own terms, England had nothing to require with regard to her allies, she asked no restitution of the dominions added to France in Europe. So far from retaining any thing French out of Europe, we freely offered them all, demanding only, as a poor compensation, to retain a part of what we had acquired by arms from Holland, then identified with France. This proposal also, sir, was proudly refused, in a way which the learned gentleman himself has not attempted to justify, indeed of which he has spoken with detestation. I wish, since he has not finally abjured his duty in this house, that that detestation had been stated earlier, that he had mixed his own voice with the general voice of his country on the result of that negotiation.

Let us look at the conduct of France immediately subsequent to this period. She had spurned at the



offers of Great Britain; she had reduced her continental enemies to the necessity of accepting a precarious peace, she had (in spite of those pledges repeatedly made and uniformly violated) surrounded herself by new conquests, on every part of her frontier but one. That one was Switzerland. The first effect of being relieved from the war with Austria, of being secured against all fears of continental invasion on the ancient territory of France, was their unprovoked attack against this unoffending and devoted country. This was one of the scenes which satisfied even those who were the most incredulous, that France had thrown off the mask, "*if indeed she had ever worn it.*" It collected, in one view, many of the characteristic features of that revolutionary system which I have endeavoured to trace, the perfidy which alone rendered their arms successful, the pretext of which they availed themselves to produce division and prepare the entrance of jacobinism in that country, the proposal of armistice, one of the known and regular engines of the revolution, which was, as usual, the immediate prelude to military execution, attended with cruelty and barbarity, of which there are few examples. All these are known to the world. The country they attacked was one which had long been the faithful ally of France, which instead of giving cause of jealousy to any other power, had been, for ages, proverbial for the simplicity and innocence of its manners, and which had acquired and preserved the esteem of all the nations of Europe; which had almost, by the common consent of mankind, been exempted from the sound of war, and marked out as a land of *Goshen*, safe and untouched in the midst of surrounding calamities.

Look then at the fate of Switzerland, at the circumstances which led to its destruction; add this instance to the catalogue of aggression against all Europe, and then tell me, whether the system I have described has not been prosecuted with an unrelenting spirit, which cannot be subdued in adversity, which cannot be appeased in prosperity, which neither so-

lemn professions, nor the general law of nations, nor the obligation of treaties, (whether previous to the revolution or subsequent to it) could restrain from the subversion of every state into which, either by force or fraud, their arms could penetrate. Then tell me, whether the disasters of Europe are to be charged upon the provocation of this country and its allies, or on the inherent principle of the French revolution, of which the natural result produced so much misery and carnage in France, and carried desolation and terrour over so large a portion of the world.

Sir, much as I have now stated I have not finished the catalogue. America almost as much as Switzerland, perhaps, contributed to that change which has taken place in the minds of those who were originally partial to the principles of the French government. The hostility against America followed a long course of neutrality adhered to, under the strongest provocations, or rather of repeated compliances to France, with which we might well have been dissatisfied. It was on the face of it, unjust and wanton ; and it was accompanied by those instances of sordid corruption which shocked and disgusted even the enthusiastick admirers of revolutionary purity, and threw a new light on the genius of revolutionary government.

After this, it remains only shortly to remind gentlemen of the aggression against Egypt, not omitting however, to notice the capture of Malta, in the way to Egypt. Inconsiderable as that island may be thought, compared with the scenes we have witnessed, let it be remembered, that it is an island of which the government had long been recognised by every state of Europe, against which France pretended no cause of war, and whose independence was as dear to itself and as sacred as that of any country in Europe. It was in fact not unimportant from its local situation to the other powers of Europe, but in proportion as any man may diminish its importance, the instance will only serve the more to illustrate and confirm the proposition which I have maintained. The



all-searching eye of the French revolution looks to every part of Europe, and every quarter of the world, in which can be found an object either of acquisition or plunder. Nothing is too great for the temerity of its ambition, nothing too small or insignificant for the grasp of its rapacity. From hence Buonaparte and his army proceeded to Egypt. The attack was made, pretences were held out to the natives of that country in the name of the French king, whom they had murdered; they pretended to have the approbation of the grand seignor, whose territories they were violating; their project was carried on under the profession of a zeal for Mahometanism; it was carried on by proclaiming that France had been reconciled to the mussulman faith, had abjured that of Christianity, or as he in his impious language termed it, of *the sect of the Messiah*.

The only plea which they have since held out to colour this atrocious invasion of a neutral and friendly territory, is that it was the road to attack the English power in India. It is most unquestionably true, that this was one and a principal cause of this unparalleled outrage; but another, and an equally substantial cause (as appears by their own statements) was the division and partition of the territories of what they thought a falling power. It is impossible to dismiss this subject without observing that this attack against Egypt was accompanied by an attack upon the British possessions in India, made on true revolutionary principles. In Europe, the propagation of the principles of France had uniformly prepared the way for the progress of its arms. To India, the lovers of peace had sent the messengers of jacobinism, for the purpose of inculcating war in those distant regions, on jacobin principles, and of forming jacobin clubs, which they actually succeeded in establishing, and which in most respects resembled the European model, but which were distinguished by this peculiarity, that they were required to swear in one breath, *hatred to tyranny, the love of liberty, and the destruction of all kings and sovereigns, except the*

*good and faithful ally of the French republick, Citizen Tippoo.*

What then was the nature of this system? Was it any thing but what I have stated it to be? an insatiable love of aggrandizement, an implacable spirit of destruction against all the civil and religious institutions of every country. This is the first moving and acting spirit of the French revolution; this is the spirit which animated it at its birth, and this is the spirit which will not desert it till the moment of its dissolution, "which grew with its growth, which strengthened with its strength," but which has not abated under its misfortunes, nor declined in its decay. It has been invariably the same in every period, operating more or less, according as accident or circumstances might assist it; but it has been inherent in the revolution in all its stages; it has equally belonged to Brissot, to Robespierre, to Tallien, to Reubel, to Barras, and to every one of the leaders of the directory, but to none more than to Buonaparte, in whom now all their powers are united. What are its characters? Can it be accident that produced them? No, it is only from the alliance of the most horrid principles, with the most horrid means, that such miseries could have been brought upon Europe. It is this paradox which we must always keep in mind when we are discussing any question relative to the effects of the French revolution. Groaning under every degree of misery, the victim of its own crimes, and as I once before expressed in this house, asking pardon of God and of man for the miseries which it has brought upon itself and others, France still retains (while it has neither left means of comfort, nor almost of subsistence to its own inhabitants) new and unexampled means of annoyance and destruction against all the other powers of Europe.

Its first fundamental principle was to bribe the poor against the rich, by proposing to transfer into new hands, on the delusive notion of equality, and in breach of every principle of justice, the whole property of the country. The practical application of this



principle was to devote the whole of that property to indiscriminate plunder, and to make it the foundation of a revolutionary system of finance, productive in proportion to the misery and desolation which it created. It has been accompanied by an unwearied spirit of proselytism, diffusing itself over all the nations of the earth; a spirit which can apply itself to all circumstances and all situations, which can furnish a list of grievances, and hold out a promise of redress equally to all nations, which inspired the teachers of French liberty with the hope of alike recommending themselves to those who live under the feudal code of the German empire; to the various states of Italy, under all their different institutions; to the old republicans of Holland, and to the new republicans of America; to the catholick of Ireland, whom it was to deliver from protestant usurpation; to the protestant of Switzerland, whom it was to deliver from popish superstition; and to the mussulman of Egypt, whom it was to deliver from christian persecution; to the remote Indian, blindly bigotted to his ancient institutions; and to the natives of Great Britain, enjoying the perfection of practical freedom, and justly attached to their constitution, from the joint result of habit, of reason, and of experience. The last and distinguishing feature is a perfidy which nothing can bind, which no tie of treaty, no sense of the principles generally received among nations, no obligation, human or divine, can restrain. Thus qualified, thus armed for destruction, the genius of the French revolution marched forth, the terrour and dismay of the world. Every nation has in its turn been the witness, many have been the victims of its principles, and it is left for us to decide, whether we will compromise with such a danger, while we have yet resources to supply the sinews of war, while the heart and spirit of the country is yet unbroken, and while we have the means of calling forth and supporting a powerful cooperation in Europe.

Much more might be said on this part of the subject; but if what I have said already is a faithful,

though only an imperfect sketch of those excesses and outrages, which even history itself will hereafter be unable fully to represent and record, and a just representation of the principle and source from which they originated; will any man say that we ought to accept a precarious security against so tremendous a danger? Much more will he pretend, after the experience of all that has passed, in the different stages of the French revolution, that we ought to be deterred from probing this great question to the bottom, and from examining, without ceremony or disguise, whether the change which has recently taken place in France is sufficient now to give security, not against a common danger, but against such a danger as that which I have described.

In examining this part of the subject, let it be remembered, that there is one other characteristic of the French revolution, as striking as its dreadful and destructive principles: I mean the instability of its government, which has been of itself sufficient to destroy all reliance, if any such reliance could, at any time, have been placed on the good faith of any of its rulers. Such has been the incredible rapidity with which the revolutions in France have succeeded each other, that I believe the names of those who have successively exercised absolute power, under the pretence of liberty, are to be numbered by the years of the revolution, and each of the new constitutions, which under the same pretence, has, in its turn, been imposed by force on France, all of which alike were founded upon principles which professed to be universal, and was intended to be established and perpetuated among all the nations of the earth. Each of these will be found, upon an average, to have had about two years, as the period of its duration.

Under this revolutionary system, accompanied with this perpetual fluctuation and change, both in the form of the government and in the persons of the rulers, what is the security which has hitherto existed, and what new security is now offered? Before an answer is given to this question, let me sum up the



history of all the revolutionary governments of France, and of their characters in relation to other powers, in words more emphatical than any which I could use—the memorable words pronounced, on the eve of this last constitution, by the orator\* who was selected to report to an assembly, surrounded by a file of grenadiers, the new form of liberty which it was destined to enjoy under the auspices of general Buonaparte. From this reporter, the mouth and organ of the new government, we learn this important lesson : “ It is easy to conceive, why peace was not concluded before the establishment of the constitutional government. The only government which then existed, described itself as revolutionary ; it was in fact only the tyranny of a few men who were soon overthrown by others, and it consequently presented no stability of principles or of views, no security either with respect to men, or with respect to things.

“ It should seem that that stability and that security ought to have existed from the establishment, and as the effect of the constitutional system ; and yet they did not exist more, perhaps even less, than they had done before. In truth, we did make some partial treaties ; we signed a continental peace, and a general congress was held to confirm it ; but these treaties, these diplomattick conferences, appear to have been the source of a new war, more inveterate and more bloody than before.

“ Before the 18th Fructidor (4th September) of the 5th year, the French government exhibited to foreign nations so uncertain an existence, that they refused to treat with it. After this great event, the whole power was absorbed in the directory ; the legislative body can hardly be said to have existed ; treaties of peace were broken, and war carried every where, without that body having any share in those measures. The same directory, after having intimidated all Europe, and destroyed, at its pleasure, several go-

\* Vide speech of Boulay de la Meuthe, in the council of five hundred, at St. Cloud, 19th Brumaire, (9th Nov.) 1799.

vernments, neither knowing how to make peace or war, or how even to establish itself, was overturned by a breath, on the 13th Prairial (18th June) to make room for other men, influenced perhaps by different views, or who might be governed by different principles.

“ Judging, then, only from notorious facts, the French government must be considered, as exhibiting nothing fixed, neither in respect to men or to things.” Here, then, is the picture, down to the period of the last revolution, of the state of France, under all its successive governments!

Having taken a view of what it was, let us now examine what it is. In the first place, we see, as has been truly stated, a change in the description and form of the sovereign authority; a supreme power is placed at the head of this nominal republick, with a more open avowal of military despotism than at any former period; with a more open and undisguised abandonment of the names and pretences under which that despotism long attempted to conceal itself. The different institutions, republican in their form and appearance, which were before the instruments of that despotism, are now annihilated; they have given way to the absolute power of one man, concentrating in himself all the authority of the state, and differing from other monarchs only in this, that (as my honourable friend\* truly stated it) he wields a sword instead of a sceptre. What then is the confidence we are to derive either from the frame of the government, or from the character and past conduct of the person who is now the absolute ruler of France?

Had we seen a man of whom we had no previous knowledge suddenly invested with the sovereign authority of the country; invested with the power of taxation, with the power of the sword, the power of war and peace, the unlimited power of commanding the resources, of disposing of the lives and fortunes of every man in France; if we had seen, at the same

\* Mr. Canning.



moment, all the inferiour machinery of the revolution, which, under the variety of successive shocks, had kept the system in motion, still remaining entire, all that, by requisition and plunder, had given activity to the revolutionary system of finance, and had furnished the means of creating an army, by converting every man who was of age to bear arms, into a soldier, not for the defence of his own country but for the sake of carrying the war into the country of the enemy; if we had seen all the subordinate instruments of jacobin power subsisting in their full force, and retaining (to use the French phrase) all their original organization; and had then observed this single change in the conduct of their affairs, that there was now one man, with no rival to thwart his measures, no colleague to divide his powers, no council to control his operations, no liberty of speaking or writing, no expression of publick opinion to check or influence his conduct; under such circumstances, should we be wrong to pause, or wait for the evidence of facts and experience, before we consented to trust our safety to the forbearance of a single man, in such a situation, and to relinquish those means of defence which have hitherto carried us safe through all the storms of the revolution? if we were to ask what are the principles and character of this stranger, to whom fortune has suddenly committed the concerns of a great and powerful nation?

But is this the actual state of the present question? Are we talking of a stranger of whom we have heard nothing? No, sir: we have heard of him; we, and Europe, and the world, have heard both of him and of the satelites by whom he is surrounded, and it is impossible to discuss fairly the propriety of any answer which could be returned to his overtures of negotiation, without taking into consideration the inferences to be drawn from his personal character and conduct. I know it is the fashion with some gentlemen to represent any reference to topicks of this nature as invidious and irritating; but the truth is, that they arise unavoidably out of the very nature of the

question. Would it have been possible for ministers to discharge their duty, in offering their advice to their sovereign, either for accepting or declining negotiation, without taking into their account the reliance to be placed on the disposition and the principles of the person, on whose disposition and principles the security to be obtained by treaty must, in the present circumstances, principally depend; or would they act honestly or candidly towards parliament and towards the country, if, having been guided by these considerations, they forbore to state publicly and distinctly, the real grounds which have influenced their decision; and if, from a false delicacy and groundless timidity, they purposely declined an examination of a point, the most essential towards enabling parliament to form a just determination on so important a subject?

What opinion, then, are we led to form of the pretensions of the consul to those particular qualities for which, in the official note, his personal character is represented to us as the surest pledge of peace? we are told this is his second attempt at general pacification. Let us see, for a moment, how his attempt has been conducted. There is, indeed, as the learned gentleman has said, a word in the first declaration which refers to general peace, and which states this to be the second time in which the consul has endeavoured to accomplish that object. We thought fit, for the reasons which have been assigned, to decline altogether the proposal of treating, under the present circumstances, but we, at the same time, expressly stated, that, whenever the moment for treaty should arrive, we would in no case treat, but in conjunction with our allies. Our general refusal to negotiate at the present moment does not prevent the consul from renewing his overtures; but are they renewed for the purpose of general pacification? Though he had hinted at general peace in the terms of his first note; though we had shown, by our answer, that we deemed negotiation, even for general peace, at this moment, inadmissible; though we added, that, even at



at any future period, we would treat only in conjunction with our allies; what was the proposal contained in his last note? To treat for a separate peace between Great Britain and France.

Such was the second attempt to effect *general pacification*: a proposal for a *separate* treaty with Great Britain.—What had been the first? The conclusion of a separate treaty with Austria; and there are two anecdotes connected with the conclusion of this treaty, which are sufficient to illustrate the disposition of this pacificator of Europe. This very treaty of Campo Formio was ostentatiously professed to be concluded with the emperour for the purpose of enabling Buonaparte to take the command of the army of England, and to dictate a separate peace with this country on the banks of the Thames. But there is this additional circumstance, singular beyond all conception, considering that we are now referred to the treaty of Campo Formio as a proof of the personal disposition of the consul to general peace; he sent his two confidential and chosen friends, *Berthier* and *Monge*, charged to communicate to the directory this treaty of Campo Formio; to announce to them, that one enemy was humbled, that the war with Austria was terminated, and, therefore, that now was the moment to prosecute their operations against this country; they used, on this occasion, the memorable words: “*The kingdom of Great Britain and the French republick cannot exist together.*” This, I say, was the solemn declaration of the deputies and ambassadors of Buonaparte himself, offering to the directory the first fruits of this first attempt at general pacification.

So much for his disposition towards general pacification. Let us look next at the part he has taken in the different stages of the French revolution, and let us then judge whether we are to look to him, as the security against revolutionary principles. Let us determine what reliance we can place on his engagements with other countries, when we see how he

has observed his engagements to his own. When the constitution of the third year was established under Barras, that constitution was imposed by the arms of Buonaparte, then commanding the army of the triumvirate, in Paris. To that constitution he then swore fidelity. How often he has repeated the same oath I know not, but twice, at least, we know that he has not only repeated it himself, but tendered it to others, under circumstances too striking not to be stated.

Sir, the house cannot have forgotten the revolution of the 4th of September, which produced the dismissal of lord Malmsbury from Lisle. How was that revolution procured? It was procured chiefly by the promise of Buonaparte, in the name of his army, decidedly to support the directory in those measures which led to the infringement and violation of every thing that the authors of the constitution of 1795, or its adherents, could consider as fundamental, and which established a system of despotism inferior only to that now realized in his own person. Immediately before this event, in the midst of the desolation and bloodshed of Italy, he had received the sacred present of new banners from the directory; he delivered them to his army with this exhortation: "Let us swear, fellow soldiers, by the manes of the patriots who have died by our side, eternal hatred to the enemies of the constitution of the third year." That very constitution which he soon after enabled the directory to violate, and which, at the head of his grenadiers, he has now finally destroyed. Sir, that oath was again renewed, in the midst of that very scene to which I have last referred; the oath of fidelity to the constitution of the third year was administered to all the members of the assembly then sitting, under the terror of the bayonet, as the solemn preparation for the business of the day; and the morning was ushered in with swearing attachment to the constitution, that the evening might close with its destruction.



If we carry our views out of France, and look at the dreadful catalogue of all the breaches of treaty, all the acts of perfidy at which I have only glanced, and which are precisely commensurate with the number of treaties which the republick have made (for I have sought in vain for any one which it has made and which it has not broken) if we trace the history of them all from the beginning of the revolution to the present time, or if we select those which have been accompanied by the most atrocious cruelty, and marked the most strongly with the characteristick features of the revolution, the name of Buonaparte will be found allied to more of them than that of any other that can be handed down in the history of the crimes and miseries of the last ten years. His name will be recorded with the horrors committed in Italy, in the memorable campaign of 1796 and 1797, in the Milanese, in Genoa, in Modena, in Tuscany, in Rome, and in Venice.

His entrance into Lombardy was announced by a solemn proclamation, issued on the 27th of April, 1796, which terminated with these words: "Nations of Italy! the French army is come to break your chains, the French are the friends of the people in every country; your religion, your property, your customs, shall be respected." This was followed by a second proclamation, dated from Milan 20th of May, and signed "*Buonaparte*," in these terms: "Respect for property and personal security. Respect for the religion of countries, these are the sentiments of the government of the French republick, and of the army of Italy. The French victorious, consider the nations of Lombardy as their brothers." In testimony of this fraternity, and to fulfil the solemn pledge of respecting property, this very proclamation imposed on the Milanese a provisional contribution to the amount of twenty millions of livres, or near one million sterling, and successive exactions were afterwards levied on that single state to the amount, in the whole, of near six millions sterling. The regard to religion and to the customs of the country was manifested with the

same scrupulous fidelity. The churches were given up to indiscriminate plunder. Every religious and charitable fund, every publick treasure, was confiscated. The country was made the scene of every species of disorder and rapine. The priests, the established form of worship, all the objects of religious reverence, were openly insulted by the French troops; at *Pavia* particularly the tomb of *St. Augustin*, which the inhabitants were accustomed to view with peculiar veneration, was mutilated and defaced; this last provocation having roused the resentment of the people they flew to arms, surrounded the French garrison and took them prisoners, but carefully abstained from offering any violence to a single soldier. In revenge for this conduct, Buonaparte, then on his march to the Mincio, suddenly returned, collected his troops, and carried the extremity of military execution over the country. He burnt the town of Benasco and massacred eight hundred of its inhabitants; he marched to Pavia, took it by storm, and delivered it over to general plunder, and published, at the same moment, a proclamation, of the 26th of May, ordering his troops to shoot all those who had not laid down their arms, and taken an oath of obedience, and to burn every village where the tocsin should be sounded, and to put its inhabitants to death.

The transactions with Modena were on a smaller scale, but in the same character. Buonaparte began by signing a treaty, by which the duke of Modena was to pay twelve millions of livres, and neutrality was promised him in return; this was soon followed by the personal arrest of the duke and by a fresh extortion of two hundred thousand sequins. After this he was permitted, on the payment of a farther sum, to sign another treaty, called a *convention de sureté*, which of course was only the prelude to the repetition of similar exactions.

Nearly at the same period, in violation of the rights of neutrality and of the treaty which had been concluded between the French republick and the grand duke of Tuscany in the preceding year, and in breach



of a positive promise given only a few days before, the French army forcibly took possession of Leghorn, for the purpose of seizing the British property which was deposited there and confiscating it as prize; and shortly after, when Buonaparte agreed, to evacuate Leghorn in return for the evacuation of the island of Elba, which was in the possession of the British troops, he insisted upon a separate article, by which, in addition to the plunder before obtained, by the infraction of the law of nations it was stipulated, that the grand duke should pay the expense, which the French had incurred by this invasion of his territory.

In the proceedings towards Genoa we shall find, not only a continuation of the same system of extortion and plunder, in violation of the solemn pledge contained in the proclamations already referred to, but a striking instance of the revolutionary means employed for the destruction of independent governments. A French minister was at that time resident at Genoa, which was acknowledged by France to be in a state of neutrality and friendship; in breach of this neutrality Buonaparte began, in the year 1796, with the demand of a loan. He afterwards, from the month of September, required and enforced the payment of a monthly subsidy, to the amount which he thought proper to stipulate; these exactions were accompanied by repeated assurances and protestations of friendship; they were followed, in May 1797, by a conspiracy against the government, fomented by the emissaries of the French embassy, and conducted by the partisans of France; encouraged, and afterwards protected by the French minister. The conspirators failed in their first attempt; overpowered by the courage and voluntary exertions of the inhabitants, their force was dispersed, and many of their number were arrested. Buonaparte instantly considered the defeat of the conspirators as an act of aggression against the French republick; he despatched an aid-de-camp with an order to the senate of this independent state; first, to release all the French who were detained; secondly, to punish

those who had arrested them ; thirdly, to declare that *they had no share in the insurrection* ; and fourthly, to disarm the people. Several French prisoners were immediately released, and a proclamation was preparing to disarm the inhabitants, when, by a second note, Buonaparte required the arrest of the three inquisitors of state, and immediate alterations in the constitution ; he accompanied this with an order to the French minister to quit Genoa, if his commands were not immediately carried into execution ; at the same moment his troops entered the territory of the republick, and shortly after the councils, intimidated and overpowered, abdicated their functions. Three deputies were then sent to Buonaparte to receive from him a new constitution. On the 6th of June, after the conferences at Montebello, he signed a convention, or rather issued a decree, by which he fixed the new form of their government ; he himself named provisionally all the members who were to compose it, and he required the payment of seven millions of livres, as the price of the subversion of their constitution, and their independence. These transactions require but one short comment ; it is to be found in the official account given of them at Paris ; which is in these memorable words : “ *General Buonaparte has pursued the only line of conduct which could be allowed in the representative of a nation, which has supported the war only to procure the solemn acknowledgment of the right of nations, to change the form of their government. He contributed nothing towards the revolution of Genoa, but he seized the first moment to acknowledge the new government, as soon as he saw that it was the result of the wishes of the people.\** ”

It is unnecessary to dwell on the wanton attacks against Rome, under the direction of Buonaparte himself in the year 1796, and in the beginning of 1797, which terminated first, by the treaty of Tolentino concluded by Buonaparte, in which, by enor-

\* Redacteur Officiel, June 30, 1797.



mous sacrifices, the pope was allowed to purchase the acknowledgment of his authority, as a sovereign prince ; and secondly, by the violation of that very treaty, and the subversion of the papal authority by Joseph Buonaparte, the brother and the agent of the general, and the minister of the French republick to the holy see. A transaction, accompanied by outrages and insults towards the pious and venerable pontiff, in spite of the sanctity of his age and the unsullied purity of his character, which even to a protestant, seem hardly short of the guilt of sacrilege.

But of all the disgusting and tragical scenes which took place in Italy, in the course of the period I am describing, those which passed at Venice are perhaps the most striking, and the most characteristick. In May, 1796, the French army, under Buonaparte, in the full tide of its success against the Austrians, first approached the territories of this republick, which from the commencement of the war had observed a rigid neutrality. Their entrance on these territories was as usual accompanied by a solemn proclamation in the name of their general, "*Buonaparte to the republick of Venice.*" "It is to deliver the finest country in Europe *from the iron yoke of the proud house of Austria*, that the French army has braved obstacles the most difficult to surmount. Victory in union with justice has crowned its efforts. The wreck of the enemy's army has retired behind the Mincio. The French army, in order to follow them, passes over the territory of the republick of Venice ; but it will never forget, that ancient friendship unites the two republicks. Religion, government, customs, and property, shall be respected. That the people may be without apprehension, the most severe discipline shall be maintained. All that may be provided for the army shall be faithfully paid for in money. The general in chief engages the officers of the republick of Venice, the magistrates, and the priests, to make known these sentiments to the people, in order, that confidence may cement that friendship which has so long united the two nations. Faithful in the path of honour, as

in that of victory, the French soldier is terrible only to the enemies of his liberty and his government." *Buonaparte.*

This proclamation was followed by exactions similar to those which were practised against Genoa, by the renewal of similar professions of friendship and the use of similar means to excite insurrection. At length, in the spring of 1797, occasion was taken from disturbances thus excited, to forge in the name of the Venetian government, a proclamation, hostile to France, and this proceeding was made the ground for military execution against the country, and for effecting by force the subversion of its ancient government and the establishment of the democratick forms of the French revolution. This revolution was sealed by a treaty, signed in May, 1797, between Buonaparte and commissioners appointed on the part of the new and revolutionary government of Venice. By the second and third secret articles of this treaty, Venice agreed to give as a ransom, to secure itself against all further exactions or demands, the sum of three millions of livres in money, the value of three millions more in articles of naval supply, and three ships of the line; and it received in return the assurances of the friendship and support of the French republick. Immediately after the signature of this treaty, the arsenal, the library, and the palace of St. Marc were ransacked and plundered, and heavy additional contributions were imposed upon its inhabitants. And, in not more than four months afterwards, this very republick of Venice, united by alliance to France, the creature of Buonaparte himself, from whom it had received the present of French liberty, was by the same Buonaparte transferred, under the treaty of Campo Formio, to "*that iron yoke of the proud house of Austria,*" to deliver it from which he had represented in his first proclamation to be the great object of all his operations.

Sir, all this is followed by the memorable expedition into Egypt, which I mention, not merely because it forms a principal article in the catalogue of those



acts of violence and perfidy in which Buonaparte has been engaged; not merely because it was an enterprise peculiarly his own, of which he was himself the planner, the executor and the betrayer; but chiefly because when from thence he retires to a different scene, to take possession of a new throne, from which he is to speak upon an equality with the kings and governours of Europe, he leaves behind him, at the moment of his departure, a specimen, which cannot be mistaken, of his principles of negotiation. The intercepted correspondence, which has been alluded to in this debate, seems to afford the strongest ground to believe, that his offers to the Turkish government to evacuate Egypt, were made solely with a view to gain time; that the ratification of any treaty on this subject was to be delayed with the view of finally eluding its performance, if any change of circumstances favourable to the French should occur in the interval. But whatever gentlemen may think of the intention with which these offers were made, there will at least be no question with respect to the credit due to those professions by which he endeavoured to prove, in Egypt, his pacifick dispositions. He expressly enjoins his successour, strongly and steadily to insist in all his intercourse with the Turks, that he came to Egypt with no hostile design, and that he never meant to keep possession of the country; while, on the opposite page of the same instructions, he states in the most unequivocal manner, his regret at the discomfeiture of his favourite project of colonizing Egypt, and of maintaining it as a territorial acquisition. Now, sir, if in any note addressed to the grand vizier, or the sultan, Buonaparte had claimed credit for the sincerity of his professions, that he came to Egypt with no view hostile to Turkey and solely for the purpose of molesting the British interests, is there any one argument now used to induce us to believe his present professions to us, which might not have been equally urged on that occasion? would not those professions have been equally supported by solemn asseveration, by the same reference which is now made to

personal character, with this single difference, that they would have then had one instance less of hypocrisy and falsehood, which we have since had occasion to trace in this very transaction.

It is unnecessary to say more with respect to the credit due to his professions, or the reliance to be placed on his general character. But it will, perhaps be argued, that whatever may be his character, or whatever has been his past conduct, he has now an interest in making and observing peace. That he has an interest in making peace is at best but a doubtful proposition, and that he has an interest in preserving it is still more uncertain. That it is his interest to negotiate, I do not indeed deny. It is his interest above all to engage this country in separate negotiation, in order to loosen and dissolve the whole system of the confederacy on the continent, to palsy, at once, the arms of Russia or of Austria, or of any other country that might look to you for support; and then either to break off his separate treaty, or if he should have concluded it, to apply the lesson which is taught in his school of policy in Egypt; and to revive, at his pleasure those claims of indemnification which *may have been reserved to some happier period.\**

This is precisely the interest which he has in negotiation. But on what grounds are we to be convinced that he has an interest in concluding and observing a solid and permanent pacification? Under all the circumstances of his personal character, and his newly acquired power, what other security has he for retaining that power, but the sword? His hold upon France is the sword, and he has no other. Is he connected with the soil, or with the habits, the affections, or the prejudices of the country? He is a stranger, a foreigner, and a usurper. He unites in his own person every thing that a pure republican must detest; every thing that an enraged jacobin has abjured; every thing that a sincere and faithful royalist must feel as an insult. If he is opposed at any time in his career, what is his ap-

\* Vide intercepted correspondence from Egypt.



peal? *He appeals to his fortune*; in other words, to his army and his sword. Placing, then, his whole reliance upon military support, can he afford to let his military renown pass away, to let his laurels wither, to let the memory of his trophies sink in obscurity? Is it certain that, with his army confined within France, and restrained from inroads upon her neighbours, that he can maintain, at his devotion, a force sufficiently numerous to support his power? Having no object but the possession of absolute dominion, no passion but military glory, is it to be reckoned as certain, that he can feel such an interest in permanent peace, as would justify us in laying down our arms, reducing our expense, and relinquishing our means of security, on the faith of his engagements? Do we believe, that after the conclusion of peace, he would not still sigh over the lost trophies of Egypt, wrested from him by the celebrated victory of Aboukir, and the brilliant exertions of that heroick band of British seamen, whose influence and example rendered the Turkish troops invincible at Acre? Can he forget, that the effect of these exploits enabled Austria and Russia, in one campaign, to recover from France, all which she had acquired by his victories, to dissolve the charm, which, for a time, fascinated Europe, and to show that their generals, contending in a just cause, could efface even by their success, and their military glory, the most dazzling triumphs of his victorious and desolating ambition?

Can we believe, with these impressions on his mind, that, if after a year, eighteen months, or two years, of peace had elapsed, he should be tempted by the appearance of fresh insurrection in Ireland, encouraged by renewed and unrestrained communication with France, and fomented by the fresh infusion of jacobin principles; if we were at such a moment without a fleet to watch the ports of France, or to guard the coasts of Ireland, without a disposable army, or an embodied militia, capable of supplying a speedy and adequate reenforcement, and that he had suddenly the means of transporting thither a

body of twenty or thirty thousand French troops; can we believe, that at such a moment his ambition and vindictive spirit would be restrained by the recollection of engagements, or the obligation of treaty? Or, if in some new crisis of difficulty and danger to the Ottoman empire, with no British navy in the Mediterranean, no confederacy formed, no force collected to support it, an opportunity should present itself for resuming the abandoned expedition to Egypt, for renewing the avowed and favourite project of conquering and colonizing that rich and fertile country, and of opening the way to wound some of the vital interests of England, and to plunder the treasures of the east, in order to fill the bankrupt coffers of France? Would it be the interest of Buonaparte, under such circumstances, or his principles, his moderation, his love of peace, his aversion to conquest, and his regard for the independence of other nations—would it be all, or any of these that would secure us against an attempt, which would leave us only the option of submitting without a struggle to certain loss and disgrace, or of renewing the contest which we had prematurely terminated, without allies, without preparation, with diminished means, and with increased difficulty and hazard?

Hitherto I have spoken only of the reliance which we can place on the professions, the character, and the conduct of the present first consul; but it remains to consider the stability of his power. The revolution has been marked throughout by a rapid succession of new depositaries of publick authority, each supplanting its predecessor. What grounds have we to believe that this new usurpation, more odious and more undisguised than all that preceded it, will be more durable? Is it that we rely on the particular provisions contained in the code of the pretended constitution, which was proclaimed as accepted by the French people, as soon as the garrison of Paris declared their determination to exterminate all its enemies, and before any of its articles could even be



known to half the country, whose consent was required for its establishment?

I will not pretend to inquire deeply into the nature and effects of a constitution, which can hardly be regarded but as a farce and a mockery. If, however, it could be supposed that its provisions were to have any effect, it seems equally adapted to two purposes, that of giving to its founder for a time an absolute and uncontrolled authority, and that of laying the certain foundation of disunion and discord, which if they once prevail must render the exercise of all the authority under the constitution impossible, and leave no appeal but to the sword.

Is then military despotism that which we are accustomed to consider as a stable form of government? In all ages of the world, it has been attended with the least stability to the persons who exercised it, and with the most rapid succession of changes and revolutions. In the outset of the French revolution its advocates boasted that it furnished a security for ever, not to France only but to all countries in the world, against military despotism; that the force of standing armies was vain and delusive; that no artificial power could resist publick opinion; and that it was upon the foundation of publick opinion alone that any government could stand. I believe, that in this instance, as in every other, the progress of the French revolution has belied its professions; but so far from its being a proof of the prevalence of publick opinion against military force, it is instead of the proof, the strongest exception from that doctrine which appears in the history of the world. Through all the stages of the revolution, military force has governed; and publick opinion has scarcely been heard. But still I consider this as only an exception from a general truth. I still believe, that, in every civilized country, not enslaved by a jacobin faction, publick opinion is the only sure support of any government. I believe this with the more satisfaction, from a conviction that if this contest is happily terminated, the established governments of Europe will stand upon that rock

firmer than ever; and whatever may be the defects of any particular constitution, those who live under it will prefer its continuance to the experiment of changes which may plunge them in the unfathomable abyss of revolution, or extricate them from it, only to expose them to the terrors of military despotism. And to apply this to France, I see no reason to believe, that the present usurpation will be more permanent than any other military despotism, which has been established by the same means, and with the same defiance of publick opinion.

What, then, is the inference I draw from all that I have now stated? Is it, that we will in no case treat with Buonaparte? I say, no such thing. But I say, as has been said in the answer returned to the French note, that we ought to wait for *experience, and the evidence of facts*, before we are convinced that such a treaty is admissible. The circumstances I have stated would well justify us if we should be slow in being convinced; but on a question of peace and war, every thing depends upon degree, and upon comparison. If, on the one hand, there should be an appearance that the policy of France is at length guided by different maxims from those which have hitherto prevailed; if we should hereafter see signs of stability in the government, which are not now to be traced; if the progress of the allied army should not call forth such a spirit in France, as to make it probable that the act of the country itself will destroy the system now prevailing; if the danger, the difficulty, the risk of continuing the contest should increase, while the hope of complete ultimate success should be diminished; all these, in their due place, are considerations, which, with myself and, I can answer for it, with every one of my colleagues, will have their just weight. But at present these considerations all operate one way; at present there is nothing from which we can presage a favourable disposition to change in the French councils. There is the greatest reason to rely on powerful cooperation from our allies; there are the strongest marks of a disposition



in the interior of France to active resistance against this new tyranny; and there is every ground to believe, on reviewing our situation, and that of the enemy, that if we are ultimately disappointed of that complete success which we are at present entitled to hope, the continuance of the contest, instead of making our situation comparatively worse, will have made it comparatively better.

If then I am asked how long are we to persevere in the war, I can only say, that no period can be accurately assigned. Considering the importance of obtaining complete security for the objects for which we contend, we ought not to be discouraged too soon: but on the contrary, considering the importance of not impairing and exhausting the radical strength of the country, there are limits beyond which we ought not to persist, and which we can determine only by estimating and comparing fairly, from time to time, the degree of security to be obtained by treaty, and the risk and disadvantage of continuing the contest.

But, sir, there are some gentlemen in the house, who seem to consider it already certain, that the ultimate success to which I am looking is unattainable. They suppose us contending only for the restoration of the French monarchy, which they believe to be impracticable, and deny to be desirable for this country. We have been asked in the course of this debate: Do you think you can impose monarchy upon France, against the will of the nation? I never thought it, I never hoped it, I never wished it. I have thought, I have hoped, I have wished, that the time might come when the effect of the arms of the allies might so far overpower the military force which keeps France in bondage, as to give vent and scope to the thoughts and actions of its inhabitants. We have, indeed, already seen abundant proof of what is the disposition of a large part of the country; we have seen almost through the whole of the revolution the western provinces of France deluged with the blood of its inhabitants, obstinately contending

for their ancient laws and religion. We have recently seen in the revival of that war, fresh proof of the zeal which still animates those countries, in the same cause. These efforts (I state it distinctly, and there are those near me who can bear witness to the truth of the assertion) were not produced by any instigation from hence; they were the effects of a rooted sentiment prevailing through all those provinces forced into action by the *law of the hostages* and the other tyrannical measures of the directory, at the moment when we were endeavouring to discourage so hazardous an enterprise. If, under such circumstances, we find them giving proofs of their unalterable perseverance in their principles; if there is every reason to believe that the same disposition prevails in many other extensive provinces of France; if every party appears at length equally wearied and disappointed with all the successive changes which the revolution has produced; if the question is no longer between monarchy, and even the pretence and name of liberty, but between the ancient line of hereditary princes on the one hand, and a military tyrant, a foreign usurper, on the other; if the armies of that usurper are likely to find sufficient occupation on the frontiers, and to be forced at length to leave the interior of the country at liberty to manifest its real feeling and disposition; what reason have we to anticipate, that the restoration of monarchy under such circumstances is impracticable?

The learned gentleman has, indeed, told us, that almost every man now possessed of property in France, must necessarily be interested in resisting such a change, and that therefore it never can be effected. If that single consideration were conclusive against the possibility of a change, for the same reason the revolution itself, by which the whole property of the country was taken from its ancient possessors, could never have taken place. But though I deny it to be an insuperable obstacle, I admit it to be a point of considerable delicacy and difficulty. It is not indeed for us to discuss minutely, what arrangement



might be formed on this point to conciliate and unite opposite interests ; but whoever considers the precarious tenure and depreciated value of lands held under the revolutionary title, and the low price for which they have generally been obtained, will think it perhaps not impossible that an ample compensation might be made to the bulk of the present possessors, both for the purchase money they have paid, and for the actual value of what they now enjoy ; and that the ancient proprietors might be reinstated in the possession of their former rights, with only such a temporary sacrifice as reasonable men would willingly make to obtain so essential an object.

The honourable and learned gentleman, however, has supported his reasoning on this part of the subject, by an argument which he undoubtedly considers as unanswerable : a reference to what would be his own conduct in similar circumstances ; and he tells us that every landed proprietor in France must support the present order of things in that country from the same motive that he and every proprietor of three per cent stock would join in the defence of the constitution of Great Britain. I must do the learned gentleman the justice to believe that the habits of his profession must supply him with better and nobler motives, for defending a constitution which he has had so much occasion to study and examine, than any which he can derive from the value of his proportion, however large, of three per cents, even supposing them to continue to increase in price as rapidly as they have done, during the last three years, in which the security and prosperity of the country has been established by following a system directly opposite to the counsels of the learned gentleman and his friends.

The learned gentleman's illustration however, though it fails with respect to himself, is happily and aptly applied to the state of France ; and let us see what inference it furnishes with respect to the probable attachment of monied men to the continuance of the revolutionary system, as well as with respect to the general state of publick credit in that

country. I do not indeed know that there exists precisely any fund of three per cents in France, to furnish a test for the patriotism and publick spirit of the lovers of French liberty. But there is another fund which may equally answer our purpose. The capital of three per cent stock which formerly existed in France has undergone a whimsical operation, similar to many other expedients of finance which we have seen in the course of the revolution. This was performed by a decree, which, as they termed it, *republicanized* their debt; that is, in other words, struck off, at once, two-thirds of the capital, and left the proprietors to take their chance for the payment of interest on the remainder. This remnant was afterwards converted into the present five per cent stock. I had the curiosity very lately to inquire what price it bore in the market, and I was told that the price had somewhat risen from confidence in the new government, and was actually as high as *seventeen*. I really at first supposed that my informer meant seventeen years purchase for every pound of interest, and I began to be almost jealous of revolutionary credit; but I soon found that he literally meant seventeen pounds for every hundred pounds capital stock of five per cent: that is a little more than three and a half years purchase. So much for the value of revolutionary property, and for the attachment with which it must inspire its possessors towards the system of government to which that value is to be ascribed!

On the question, sir, how far the restoration of the French monarchy, if practicable, is desirable, I shall not think it necessary to say much. Can it be supposed to be indifferent to us or to the world, whether the throne of France is to be filled by a prince of the house of Bourbon, or by him whose principles and conduct I have endeavoured to develop? Is it nothing with a view to influence and example, whether the fortune of this last adventurer in the lottery of revolutions, shall appear to be permanent? Is it nothing, whether a system shall be sanctioned which



confirms by one of its fundamental articles, that general transfer of property from its ancient and lawful possessors, which holds out one of the most terrible examples of national injustice, and which has furnished the great source of revolutionary finance and revolutionary strength against all the powers of Europe?

In the exhausted and impoverished state of France, it seems for a time impossible that any system but that of robbery and confiscation, any thing but the continued torture, which can be applied only by the engines of the revolution, can extort from its ruined inhabitants more than the means of supporting, in peace, the yearly expenditure of its government. Suppose, then, the heir of the house of Bourbon reinstated on the throne, he will have sufficient occupation in endeavouring, if possible, to heal the wounds, and gradually to repair the losses of ten years of civil convulsion; to reanimate the drooping commerce, to rekindle the industry, to replace the capital, and to revive the manufactures of the country. Under such circumstances, there must probably be a considerable interval before such a monarch, whatever may be his views, can possess the power which can make him formidable to Europe; but while the system of the revolution continues, the case is quite different. It is true, indeed, that even the gigantick and unnatural means by which that revolution has been supported, are so far impaired; the influence of its principles, and the terroure of its arms, so far weakened; and its power of action so much contracted and circumscribed, that against the embodied force of Europe, prosecuting a vigorous war, we may justly hope that the remnant and wreck of this system cannot long oppose an effectual resistance.

But, supposing the confederacy of Europe prematurely dissolved; supposing our armies disbanded, our fleets laid up in our harbours, our exertions relaxed, and our means of precaution and defence relinquished; do we believe that the revolutionary power, with this rest and breathing time given it to recover from the pressure under which it is now sinking, pos-

sessing still the means of calling suddenly and violently into action whatever is the remaining physical force of France, under the guidance of military despotism; do we believe that this revolutionary power, the terror of which is now beginning to vanish, will not again prove formidable to Europe? Can we forget, that in the ten years in which that power has subsisted, it has brought more misery on surrounding nations, and produced more acts of aggression, cruelty, perfidy and enormous ambition, than can be traced in the history of France for the centuries which have elapsed since the foundation of its monarchy, including all the wars which, in the course of that period, have been waged by any of those sovereigns, whose projects of aggrandizement, and violations of treaty, afford a constant theme of general reproach against the ancient government of France? And if not, can we hesitate whether we have the best prospect of permanent peace, the best security for the independence and safety of Europe from the restoration of the lawful government, or from the continuance of revolutionary power in the hands of Buonaparte?

In compromise and treaty with such a power, placed in such hands as now exercise it, and retaining the same means of annoyance which it now possesses, I see little hope of permanent security. I see no possibility at this moment of such a peace as would justify that liberal intercourse which is the essence of real amity; no chance of terminating the expenses or the anxieties of war, or of restoring to us any of the advantages of established tranquillity; and as a sincere lover of peace, I cannot be content with its nominal attainment. I must be desirous of pursuing that system which promises to attain, in the end, the permanent enjoyment of its solid and substantial blessings for this country and for Europe. As a sincere lover of peace, I will not sacrifice it by grasping at the shadow, when the reality is not substantially within my reach.—

*Cur igitur pacem nolo? Quia infida est, quia periculosa, quia esse non potest.*



If, sir, in all that I have now offered to the house, I have succeeded in establishing the proposition, that the system of the French revolution has been such as to afford to foreign powers no adequate ground for security in negotiation, and that the change which has recently taken place has not yet afforded that security ; if I have laid before you a just statement of the nature and extent of the danger with which we have been threatened ; it would remain only shortly to consider, whether there is any thing in the circumstances of the present moment to induce us to accept a security confessedly inadequate against a danger of such a description.

It will be necessary here to say a few words on the subject on which gentlemen have been so fond of dwelling : I mean our former negotiations, and particularly that at Lisle in 1797. I am desirous of stating frankly and openly the true motives which induced me to concur in then recommending negotiation ; and I will leave it to the house, and to the country, to judge whether our conduct at that time was inconsistent with the principles by which we are guided at present. That revolutionary policy which I have endeavoured to describe, that gigantick system of prodigality and bloodshed by which the efforts of France were supported, and which counts for nothing the lives and the property of a nation, had at that period driven us to exertions which had, in a great measure, exhausted the ordinary means of defraying our immense expenditure, and had led many of those who were the most convinced of the original justice and necessity of the war, and of the danger of jacobin principles, to doubt the possibility of persisting in it, till complete and adequate security could be obtained. There seemed, too, much reason to believe, that without some new measure to check the rapid accumulation of debt, we could no longer trust to the stability of that funding system, by which the nation had been enabled to support the expense of all the different wars in which we have engaged, in the course of the present century. In order to continue our exertions with vigour,

it became necessary that a new and solid system of finance should be established, such as could not be rendered effectual but by the general and decided concurrence of publick opinion. Such a concurrence in the strong and vigorous measures necessary for the purpose could not then be expected, but from satisfying the country, by the strongest and most decided proofs, that peace on terms in any degree admissible was unattainable.

Under this impression we thought it our duty to attempt negotiation, not from the sanguine hope, even at that time, that its result could afford us complete security, but from the persuasion, that the danger arising from peace under such circumstances was less than that of continuing the war with precarious and inadequate means. The result of those negotiations proved, that the enemy would be satisfied with nothing less than the sacrifice of the honour and independence of the country. From this conviction, a spirit and enthusiasm was excited in the nation, which produced the efforts to which we are indebted for the subsequent change in our situation. Having witnessed that happy change, having observed the increasing prosperity and security of the country from that period, seeing how much more satisfactory our prospects now are, than any which we could then have derived from the successful result of negotiation, I have not scrupled to declare, that I consider the rupture of the negotiation on the part of the enemy, as a fortunate circumstance for the country. But because these are my sentiments at this time, after reviewing what has since passed, does it follow that we were, at that time, insincere in endeavouring to obtain peace? The learned gentleman, indeed, assumes that we were, and he even makes a concession, of which I desire not to claim the benefit. He is willing to admit, that on our principles, and our view of the subject, insincerity would have been justifiable. I know, sir, no plea that would justify those who are intrusted with the conduct of publick affairs, in holding out to parliament and to the nation one object, while they were,



in fact, pursuing another. I did, in fact, believe, at the moment, the conclusion of peace, if it could have been obtained, to be preferable to the continuance of the war under its increasing risks and difficulties. I therefore wished for peace; I sincerely laboured for peace. Our endeavours were frustrated by the act of the enemy. If, then, the circumstances are since changed, if what passed at that period has afforded a proof that the object we aimed at was unattainable, and if all that has passed since has proved, that, if peace had been then made, it could not have been durable, are we bound to repeat the same experiment, when every reason against it is strengthened by subsequent experience, and when the inducements which led to it at that time have ceased to exist?

When we consider the resources and the spirit of the country, can any man doubt that if adequate security is not now to be obtained by treaty, we have the means of prosecuting the contest without material difficulty or danger, and with a reasonable prospect of completely attaining our object? I will not dwell on the improved state of publick credit, on the continually increasing amount, in spite of extraordinary temporary burthens, of our permanent revenue, on the yearly accession of wealth to an extent unprecedented even in the most flourishing times of peace, which we are deriving, in the midst of war, from our extended and flourishing commerce; on the progressive improvement and growth of our manufactures; on the proofs which we see on all sides of the uninterrupted accumulation of productive capital; and on the active exertion of every branch of national industry, which can tend to support and augment the population, the riches, and the power of the country?

As little need I recall the attention of the house to the additional means of action which we have derived from the great augmentation of our disposable military force, the continued triumphs of our powerful and victorious navy, and the events

which, in the course of the last two years, have raised the military ardour and military glory of the country to a height unexampled in any period of our history.

In addition to these grounds of reliance on our own strength and exertions, we have seen the consummate skill and valour of the arms of our allies proved by that series of unexampled success in the course of the last campaign, and we have every reason to expect a cooperation on the continent, even to a greater extent, in the course of the present year. If we compare this view of our own situation with every thing we can observe of the state and condition of our enemy; if we can trace him labouring under equal difficulty in finding men to recruit his army, or money to pay it; if we know that in the course of the last year the most rigorous efforts of military conscription were scarcely sufficient to replace to the French armies at the end of the campaign, the numbers which they had lost in the course of it; if we have seen that that force, then in possession of advantages which it has since lost, was unable to contend with the efforts of the combined armies; if we know that, even while supported by the plunder of all the countries which they had overrun, those armies were reduced, by the confession of their commanders, to the extremity of distress, and destitute not only of the principal articles of military supply, but almost of the necessaries of life; if we see them now driven back within their own frontiers, and confined within a country whose own resources have long since been proclaimed by their successive governments to be unequal either to paying or maintaining them; if we observe, that since the last revolution no one substantial or effectual measure has been adopted to remedy the intolerable disorder of their finances, and to supply the deficiency of their credit and resources; if we see through large and populous districts of France, either open war levied against the present usurpation, or evident marks of disunion and distraction which the first occasion may call forth into a flame; if, I say, sir, this comparison



be just, I feel myself authorized to conclude from it, not that we are entitled to consider ourselves certain of ultimate success, not that we are to suppose ourselves exempted from the unforeseen vicissitudes of war; but that, considering the value of the object for which we are contending, the means for supporting the contest, and the probable course of human events, we should be inexcusable, if at this moment we were to relinquish the struggle on any grounds short of entire and complete security; that from perseverance in our efforts under such circumstances, we have the fairest reason to expect the full attainment of our object; but that at all events, even if we are disappointed in our more sanguine hopes, we are more likely to gain than to lose by the continuation of the contest; that every month to which it is continued, even if it should not in its effects lead to the final destruction of the jacobin system, must tend so far to weaken and exhaust it, as to give us at least a greater comparative security in any termination of the war; that, on all these grounds, this is not the moment at which it is consistent with our interest or our duty to listen to any proposals of negotiation with the present ruler of France; but that we are not therefore pledged to any unalterable determination as to our future conduct; that in this we must be regulated by the course of events; and that it will be the duty of his majesty's ministers from time to time to adapt their measures to any variation of circumstances, to consider how far the effects of the military operations of the allies or of the internal disposition of France correspond with our present expectations; and, on a view of the whole, to compare the difficulties or risks which may arise in the prosecution of the contest with the prospect of ultimate success, or of the degree of advantage to be derived from its further continuance, and to be governed by the result of all these considerations, in the opinion and advice which they may offer to their sovereign.





## MR. FOX'S SPEECH,

DELIVERED IN THE HOUSE OF COMMONS, FEBRUARY 3, 1800,  
ON A MOTION FOR AN ADDRESS TO THE THRONE APPROVING  
OF THE ANSWERS RETURNED TO THE COMMUNICATIONS  
FROM FRANCE, RELATIVE TO A NEGOTIATION FOR PEACE.

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THE chancellor of the exchequer having concluded the preceding masterly defence of the administration, Mr. Fox next arose and delivered in reply the following speech, which may safely challenge a comparison with that of his illustrious competitor, whether we consider the profundity of the political knowledge it displays, the dexterity of its statements, or the force and plausibility of its reasonings. But, it produced, no disaffection in the ministerial ranks. The address approving of the refusal of ministers to negotiate with Buonaparte was voted by the usual majority of the house.

## SPEECH, &c.

MR. SPEAKER,

AT so late an hour of the night, I am sure you will do me the justice to believe that I do not mean to go at length into the discussion of this great question. Exhausted as the attention of the house must be, and unaccustomed as I have been of late to attend in my place, nothing but a deep sense of my duty could have induced me to trouble you at all, and particularly to request your indulgence at such an hour.

Sir, my honourable and learned friend\* has truly said, that the present is a new era in the war, and the right honourable gentleman opposite to me,† feels the justice of the remark. For by travelling back to the commencement of the war, and referring again to all the topicks and arguments which he has so often and so successfully urged to the house, and by which he has drawn them on to the support of his measures, he is forced to acknowledge, that, at the end of a seven year's conflict, we are come but to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere. All the topicks which have so often misled us—all the reasoning which has so invariably failed—all the lofty predictions which have so constantly been falsified by events—all the hopes which have amused the sanguine, and all the assurances of the distress and weakness of the enemy which have satisfied the unthinking, are again enumerated and advanced as arguments for our continuing the war. What! at the end of seven years of the most burthensome and the most calamitous struggle in which this country ever was engaged, are we again to be amused with notions of finance and calculations of the exhausted resources of the enemy, as a ground of confidence and of hope? Gracious God! were we not told, five years ago, that France was not only on the brink and in the jaws of ruin, but that she was actually sunk into the gulph of bankruptcy?—When we were told, as an unanswerable argument against treating, “that she could not hold out another campaign—that nothing but peace could save her—that she wanted only time to recruit her exhausted finances—that to grant her repose, was to grant her the means of again molesting this country, and that we had nothing to do but persevere for a short time, in order to save ourselves for ever from the consequences of her ambition and her jacobinism!” What! after having gone on from year to year upon assurances like these, and after having seen the repeated refutations of every prediction, are we again to be

\* Mr. Erskine.

† Mr. Pitt.



gravely and seriously told, that we have the same prospect of success on the same identical grounds? And without any other argument or security, are we invited, at this new era of the war, to conduct it upon principles which, if adopted and acted upon, may make it eternal?—If the right honourable gentleman shall succeed in prevailing on parliament, and the country, to adopt the principles which he has advanced this night, I see no possible termination to the contest. No man can see an end to it; and upon the assurances and predictions which have so uniformly failed, we are called upon, not merely to refuse all negotiation, but to countenance principles and views as distant from wisdom and justice, as they are in their nature wild and impracticable.

I must lament, sir, in common with every genuine friend of peace, the harsh and unconciliating language which ministers have held to the French, and which they have even made use of in their answer to a respectful offer of a negotiation. Such language has ever been considered as extremely unwise, and has ever been reprobated by diplomattick men. I remember with pleasure the terms in which lord Malmesbury at Paris, in the year 1796, replied to expressions of this sort, used by M. de la Croix. He justly said, “that offensive and injurious insinuations were only calculated to throw new obstacles in the way of accommodation, and that it was not by revolting reproaches, nor by reciprocal invective, that a sincere wish to accomplish the great work of pacification could be evinced.” Nothing could be more proper nor more wise than this language; and such ought ever to be the tone and conduct of men intrusted with the very important task of treating with a hostile nation. Being a sincere friend to peace, I must say with lord Malmesbury, that it is not by reproaches and by invective that we can hope for a reconciliation; and I am convinced, in my own mind, that I speak the sense of this house, and, if not of this house, certainly of a majority of the people of this country, when I lament that any unprovoked and unnecessary recriminations

should be flung out, by which obstacles are put in the way of pacification. I believe that it is the prevailing sentiment of the people, that we ought to abstain from harsh and from insulting language; and in common with them I must lament, that both in the papers of lord Grenville, and this night, such licence has been given to invective and reproach. For the same reason, I must lament, that the right honourable gentleman\* has thought proper to go at such length, and with such severity of minute investigation, into all the early circumstances of the war, which, whatever they were, are nothing to the present purpose, and ought not to influence the present feelings of the house. I certainly shall not follow him through the whole of this tedious detail, though I do not agree with him in many of his assertions. I do not know what impression his narrative may make on other gentlemen; but I will tell him fairly and candidly, he has not convinced me. I continue to think, and until I see better grounds for changing my opinion than any that the right honourable gentleman has this night produced, I shall continue to think, and to say, plainly and explicitly, "that this country was the aggressor in the war." But with regard to Austria and Prussia—is there a man who, for one moment, can dispute that they were the aggressors? It will be vain for the right honourable gentleman to enter into long and plausible reasoning against the evidence of documents so clear, so decisive—so frequently, so thoroughly investigated. The unfortunate monarch, Louis the sixteenth, himself, as well as those who were in his confidence, has born decisive testimony to the fact, that between him and the emperour there was an intimate correspondence, and a perfect understanding. Do I mean by this that a positive treaty was entered into for the dismemberment of France? Certainly not. But no man can read the declarations which were made at Mantua, as well as at Pilnitz, as they are given by M. Bertrand de Molville, without acknowledging that this was not merely an intention, but a declaration of

\* Mr. Pitt.



an intention, on the part of the great powers of Germany, to interfere in the internal affairs of France, for the purpose of regulating the government, against the opinion of the people. This, though not a plan for the partition of France, was, in the eye of reason and common sense, an aggression against France. The right honourable gentleman denies that there was such a thing as a treaty of Pilnitz. Granted. But was there not a declaration which amounted to an act of hostile aggression? The two powers, the emperor of Germany and the king of Prussia, made a publick declaration, that they were determined to employ their forces, in conjunction with those of the other sovereigns of Europe, “to put the king of France in a situation to establish, in perfect liberty, the foundations of a monarchical government, equally agreeable to the rights of sovereigns, and the welfare of the French.” Whenever the other princes should agree to cooperate with them, “*then, and in that case,*” their majesties were determined to act promptly, and by mutual consent, with the forces necessary to obtain the end proposed by all of them. In the mean time they declared, that they would give orders for their troops to be ready for actual service.” Now, I would ask gentlemen to lay their hands upon their hearts, and say with candour, what the true and fair construction of this declaration was—whether it was not a menace and an insult to France, since, in direct terms, it declared, that whenever the other powers should concur, they would attack France, then at peace with them, and then employed only in domestick and internal regulations? Let us suppose the case to be that of Great Britain.—Will any gentleman say, that if two of the great powers should make a publick declaration, that they were determined to make an attack on this kingdom as soon as circumstances should favour their intention; that they only waited for this occasion, and that in the mean time they would keep their forces ready for the purpose, it would not be considered by the parliament and people of this country as a hostile aggression? And is

there any Englishman in existence, who is such a friend to peace as to say, that the nation could retain its honour and dignity if it should sit down under such a menace? I know too well what is due to the national character of England, to believe that there would be two opinions on the case, if thus put home to our own feelings and understandings. We must then respect in others the indignation which such an act would excite in ourselves; and when we see it established on the most indisputable testimony, that both at Pilnitz and at Mantua declarations were made to this effect, it is idle to say, that as far as the emperor and the king of Prussia were concerned, they were not the aggressors in the war.

“Oh! but the decree of the 19th of November 1792.” That, at least, the right honourable gentleman says, you must allow to be an act of aggression, not only against England, but against all the sovereigns of Europe. I am not one of those, sir, who attach much interest to the general and indiscriminate provocations thrown out at random, like this resolution of the 19th of November 1792. I do not think it necessary to the dignity of any people to notice and to apply to themselves menaces without particular allusion, which are always unwise in the power which uses them, and which it is still more unwise to treat with seriousness. But if any such idle and general provocation to nations is given, either in insolence or in folly, by any government, it is a clear first principle, that an explanation is the thing which a magnanimous nation, feeling itself aggrieved, ought to demand; and if an explanation be given which is not satisfactory, it ought clearly and distinctly to say so. There should be no ambiguity, no reserve, on the occasion. Now we all know, from documents on our table, that M. Chauvelin did give an explanation of this silly decree. He declared, “in the name of his government, that it was never meant that the French government should favour insurrections; that the decree was applicable only to those people, who, after having acquired their liberty



by conquest, should demand the assistance of the republick ; but that France would respect, not only the independence of England, but also that of her allies with whom she was not at war." This was the explanation of the offensive decree : but this explanation was not satisfactory. Did you say so to M. Chauvelin ? Did you tell him that you were not content with this explanation ? and when you dismissed him, afterwards, on the death of the king, did you say that this explanation was unsatisfactory ?—No. You did no such thing ; and I contend, that unless you demanded further explanations, and they were refused, you have no right to urge the decree of the 19th of November as an act of aggression. In all your conferences and correspondence with M. Chauvelin, did you hold out to him what terms would satisfy you ? Did you give the French the power or the means of settling the misunderstanding which that decree, or any other of the points at issue, had created ? I maintain, that when a nation refuses to state to another the thing which would satisfy her, she shows that she is not actuated by a desire to preserve peace between them ; and I aver, that this was the case here. The Scheldt, for instance. You now say, that the navigation of the Scheldt was one of your causes of complaint. Did you explain yourself on that subject ? Did you make it one of the grounds for the dismissal of M. Chauvelin ? Sir, I repeat it, that a nation, to justify itself in appealing to the last solemn resort, ought to prove that it has taken every possible means, consistent with dignity, to demand the reparation and redress which would be satisfactory ; and if she refuses to explain what would be satisfactory, she does not do her duty, nor exonerate herself from the charge of being the aggressor.

The right honourable gentleman has this night, for the first time, produced a most important paper : the instructions which were given to his majesty's minister at the court of St. Petersburg, about the end of the year 1792, to induce her imperial majesty to join her efforts with those of his Britannick majesty,

to prevent, by their joint mediation, the evils of a general war. Of this paper, and of the existence of any such document, I for one was entirely ignorant. But I have no hesitation in saying, that I completely approve of the instructions which appear to have been given; and I am sorry to see the right honourable gentleman disposed rather to take blame to himself than credit for having written them. He thinks that he shall be subject to the imputation of having been rather too slow to apprehend the dangers with which the French revolution was fraught, than that he was forward and hasty—" *Quod solum excusat, hoc solum miror in illo.*" I do not agree with him. I by no means think that he was blamable for too much confidence in the good intentions of the French. I think the tenour and composition of this paper was excellent—the instructions conveyed in it wise; and that it wanted but one essential thing to have entitled it to general approbation—namely, to have been acted upon. The clear nature and intent of that paper, I take to be, that our ministers were to solicit the court of Petersburg to join with them in a declaration to the French government, stating explicitly what course of conduct, with respect to their foreign relations, they thought necessary to the general peace and security of Europe, and what, if complied with, would have induced them to mediate for that purpose. This was a proper, wise, and legitimate course of proceeding. Now, I ask you, sir, whether, if this paper had been communicated to Paris at the end of the year 1792, instead of Petersburg, it would not have been productive of most seasonable benefits to mankind; and, by informing the French in time of the means by which they might have secured the mediation of Great Britain, have not only avoided the rupture with this country, but have also restored general peace to the continent? The paper, sir, was excellent in its intentions; but its merit was all in the composition. It was a fine theory, which ministers did not think proper to carry into practice. It was very much like what the right honourable gentleman



at the head of the board of control,\* said some years ago, of the commercial system upon which we have maintained our government in the East Indies: "Nothing could be more moral, more beautiful, and benevolent, than the instructions which were sent out to our governours; but unfortunately those instructions had been confined to the registers of the corporation; they were to be found only in the minute books of Leadenhall street. Their beneficial effects had never been felt by the people, for whose protection and happiness the theories were framed." In the same manner, this very commendable paper, so well digested, and so likely to preserve us from the calamities of war, was never communicated to the French; never acted upon; never known to the world until this day; nay, on the contrary, at the very time that ministers had drawn up this paper, they were insulting M. Chauvelin, in every way, until about the 23d or 24th of January 1793, when they finally dismissed him, without stating any one ground upon which they were willing to preserve terms with the French.

But "France," it seems, "then declared war against us; and she was the aggressor, because the declaration came from her." Let us look at the circumstances of this transaction on both sides. Undoubtedly the declaration was made by them; but is a declaration the only thing which constitutes the commencement of a war? Do gentlemen recollect, that, in consequence of a dispute about the commencement of war, respecting the capture of a number of ships, an article was inserted in our treaty with France, by which it was positively stipulated, that in future, to prevent all disputes, the act of the dismissal of a minister from either of the two courts, should be held and considered as tantamount to a declaration of war? I mention this, sir, because when we are idly employed in this retrospect of the origin of a war which had lasted so many years, instead of fixing our eyes

\* Mr. Dundas.

only to the contemplation of the means of putting an end to it, we seem disposed to overlook every thing on our own parts, and to search only for grounds of imputation on the enemy. I almost think it an insult on the house to detain them with this sort of examination. Why, sir, if France was the aggressor, as the right honourable gentleman says she was throughout, did not Prussia call upon us for the stipulated number of troops, according to the article of the definitive treaty of alliance subsisting between us, by which, in case that either of the contracting parties was attacked, they had a right to demand the stipulated aid? and the same thing again may be asked when we were attacked. The right honourable gentlemen might here accuse himself, indeed, of reserve; but it unfortunately happened, that at the time the point was too clear on which side the aggression lay. Prussia was too sensible that the war could not entitle her to make the demand, and that it was not a case within the scope of the defensive treaty. This is evidence worth a volume of subsequent reasoning. For if, at the time when all the facts were present to their minds, they could not take advantage of existing treaties, and that too when the courts were on the most friendly terms with one another, it will be manifest to every thinking man that they were sensible they were not authorised to make the demand.

I really, sir, cannot think it necessary to follow the right honourable gentleman into all the minute details which he has thought proper to give us respecting the first aggression; but that Austria and Prussia were the aggressors, not a man in any country, who has ever given himself the trouble to think at all on the subject, can doubt. Nothing could be more hostile than their whole proceedings. Did they not declare to France, that it was her internal concerns, not her external proceedings, which provoked them to confederate against her. Look back to the proclamations with which they set out.—Read the declarations which they made themselves, to justify their appeal to



arms. They did not pretend to fear her ambition—her conquests—her troubling her neighbours; but they accused her of new-modeling her own government. They said nothing of her aggressions abroad. They spoke only of her clubs and societies at Paris.

Sir, in all this, I am not justifying the French; I am not striving to absolve them from blame, either in their internal or external policy. I think, on the contrary, that their successive rulers have been as bad and as execrable in various instances, as any of the most despotick and unprincipled governments that the world ever saw. I think it impossible, sir, that it should have been otherwise. It was not to be expected that the French, when once engaged in foreign wars, should not endeavour to spread destruction around them, and to form plans of aggrandizement and plunder on every side. Men bred in the school of the house of Bourbon could not be expected to act otherwise. They could not have lived so long under their ancient masters, without imbibing the restless ambition, the perfidy, and the insatiable spirit of the race. They have imitated the practice of their great prototype, and through their whole career of mischief and of crimes, have done no more than servilely trace the steps of their own Louis XIV. If they have overrun countries, and ravaged them, they have done it upon Bourbon principles; if they have ruined and dethroned sovereigns, it is entirely after the Bourbon manner; if they have even fraternized with the people of foreign countries, and pretended to make their cause their own, they have only faithfully followed the Bourbon example. They have constantly had Louis, the grand monarch, in their eye. But it may be said, that this example was long ago, and that we ought not to refer to a period so distant. True, it is a remote period applied to the man, but not so of the principle. The principle was never extinct; nor has its operation been suspended in France, except, perhaps, for a short interval, during the administration of cardinal Fleury; and my complaint against the republic of France is, not that she has generated new

crimes—not that she has promulgated new mischief—but that she has adopted and acted upon the principles which have been so fatal to Europe, under the practice of the house of Bourbon. It is said, that wherever the French have gone, they have introduced revolution—they have sought for the means of disturbing neighbouring states, and have not been content with mere conquest. What is this but adopting the ingenious scheme of Louis XIV? He was not content with merely overrunning a state. Whenever he came into a new territory, he established what he called his chamber of claims, a most convenient device, by which he inquired, whether the conquered country or province had any dormant or disputed claims—any cause of complaint—any unsettled demand upon any other state or province—upon which he might wage war upon such state, thereby discover again ground for new devastation, and gratify his ambition by new acquisitions. What have the republicans done more atrocious, more jacobinical than this? Louis went to war with Holland. His pretext was, that Holland had not treated him with sufficient respect. A very just and proper cause for war indeed. This, sir, leads me to an example which I think seasonable, and worthy the attention of his majesty's ministers. When our Charles II. as a short exception to the policy of his reign, made the triple alliance for the protection of Europe, and particularly of Holland, against the ambition of Louis XIV. what was the conduct of that great, virtuous, and most able statesman, M. de Witt, when the confederates came to deliberate on the terms upon which they should treat with the French monarch? When it was said that he\* had made unprincipled conquests, and that he ought to be forced to surrender them all, what was the language of that great and wise man? “No,” said he; “I think we ought not to look back to the origin of the war, so much as the means of putting an end to it. If you had united in time to prevent these conquests, well; but, now that he has made them, he stands upon the ground of conquest, and we

\* The French Monarch.



must agree to treat with him, not with reference to the origin of the conquest, but with regard to his present posture. He has those places, and some of them we must be content to give up as the means of peace. For conquest will always successfully set up its claims to indemnification." Such was the language of this minister, who was the ornament of his time; and such, in my mind, ought to be the language of statesmen, with regard to the French, at this day; and the same ought to have been said at the formation of the confederacy. It was true that the French had over-run Savoy; but they had over-run it upon Bourbon principles: and having gained this and other conquests before the confederacy was formed, they ought to have treated with her rather for future security, than for past correction. States in possession, whether monarchical or republican, will claim indemnity in proportion to their success; and it will never so much be inquired by what right they gained possession, as by what means they can be prevented from enlarging their depredations. Such is the safe practice of the world; and such ought to have been the conduct of the powers when the reduction of Savoy made them coalesce. The right honourable gentleman may know more of the secret particulars of their over-running Savoy than I do. But certainly, as they have come to my knowledge, it was a most Bourbon-like act. A great and justly celebrated historian, I mean Mr. Hume, a writer, certainly, estimable in many particulars, but who is a childish lover of princes, talks of Louis XIV. in very magnificent terms. But he says of him, that, though he managed his enterprises with skill and bravery, he was unfortunate in this, that he never got a good and fair pretence for war. This he reckons among his misfortunes. Can we say more of the republican French? In seizing on Savoy, I think they made use of the words, "*convenances morales et physiques.*" These were her reasons. A most Bourbon-like phrase! And I therefore contend, that as we never scrupled to treat with the princes of the

house of Bourbon on account of their rapacity, their thirst of conquest, their violation of treaties, their perfidy, and their restless spirit; so, I contend, we ought not to refuse to treat with their republican imitators.

Ministers could not pretend ignorance of the unprincipled manner in which the French had seized on Savoy. The Sardinian minister complained of the aggression, and yet no stir was made about it. The courts of Europe stood by, and saw the outrage; and our ministers saw it. The right honourable gentleman will in vain, therefore, exert his powers to persuade me of the interest he takes in the preservation of the rights of nations, since, at the moment when an interference might have been made with effect, no step was taken, no remonstrance made, no mediation negotiated, to stop the career of conquest. All the pretended and hypocritical sensibility "for the rights of nations, and for social order," with which we have since been stunned, cannot impose upon those who will take the trouble to look back to the period when this sensibility ought to have roused us into seasonable exertion. At that time, however, the right honourable gentleman makes it his boast, that he was prevented, by a sense of neutrality, from taking any measures of precaution on the subject. I do not give the right honourable gentleman much credit for his spirit of neutrality on the occasion. It flowed from the sense of the country at the time, the great majority of which was clearly and decidedly against all interruptions being given to the French in their desire of regulating their own internal government.

But this neutrality, which respected only the internal rights of the French, and from which the people of England would never have departed but for the impolitical and hypocritical cant which was set up to arouse their jealousy and alarm their fears, was very different from the great principle of political prudence which ought to have actuated the councils of the nation, on seeing the first steps of France to-



wards a career of external conquest. My opinion is, that when the unfortunate king of France offered to us, in the letter delivered by M. Chauvelin and M. Talleyrand, and even intreated us to mediate between him and the allied powers of Austria and Prussia, they ought to have accepted of the offer, and exerted their influence to save Europe from the consequence of a system which was then beginning to manifest itself. It was, at least, a question of prudence ; and as we had never refused to treat and to mediate with the old princes on account of their ambition or their perfidy, we ought to have been equally ready now, when the same principles were acted upon by other men. I must doubt the sensibility which could be so cold and so indifferent at the proper moment for its activity. I fear that there were at that moment the germs of ambition rising in the mind of the right honourable gentleman, and that he was beginning, like others, to entertain hopes that something might be obtained out of the coming confusion. What but such a sentiment could have prevented him from overlooking the fair occasion that was offered for preventing the calamities with which Europe was threatened ? What but some such interested principle could have made him forego the truly honourable task, by which his administration would have displayed its magnanimity and its power ? But for some such feeling, would not this country, both in wisdom and in dignity, have interfered, and in conjunction with the other powers, have said to France, “ You ask for a mediation. We will mediate with candour and sincerity, but we will at the same time declare to you our apprehensions. We do not trust to your assertion of a determination to avoid all foreign conquest, and that you are desirous only of settling your own constitution, because your language is contradicted by experience and the evidence of facts. You are Frenchmen, and you cannot so soon have forgotten and thrown off the Bourbon principles in which you were educated. You have already imitated the bad practice of your princes. You have seized on Savoy without a colour of right. But here

we take our stand. Thus far you have gone, and we cannot help it; but you must go no further. We will tell you distinctly what we shall consider as an attack on the balance and the security of Europe; and, as the condition of our interference, we will tell you also the securities that we think essential to the general repose." This ought to have been the language of his majesty's ministers when their mediation was solicited; and something of this kind they evidently thought of when they sent the instructions to Petersburg which they have mentioned this night, but upon which they never acted. Having not done so, I say, they have no right to talk now about the violated rights of Europe, about the aggression of the French, and about the origin of the war, in which this country was so suddenly afterwards plunged. Instead of this, what did they do? They hung back; they avoided explanation; they gave the French no means of satisfying them; and I repeat my proposition—when there is a question of peace and war between two nations, that government feels itself in the wrong which refuses to state with clearness and precision what she should consider as a satisfaction and a pledge of peace.

Sir, if I understand the true precepts of the Christian religion, as set forth in the New Testament, I must be permitted to say, that there is no such thing as a rule or doctrine by which we are directed, or can be justified, in waging a war for religion. The idea is subversive of the very foundations upon which it stands, which are those of peace and good will among men. Religion never was, and never can be, a justifiable cause of war; but it has been too often grossly used as the pretext and the apology for the most unprincipled wars.

I have already said, and I repeat it, that the conduct of the French to foreign nations cannot be justified. They have given great cause of offence, but certainly not to all countries alike. The right honourable gentlemen opposite to me have made an indiscriminate catalogue of all the countries which the French have



offended, and, in their eagerness to throw odium on the nation, have taken no pains to investigate the sources of their several quarrels. I will not detain you, sir, by entering into the long detail which has been given of their aggressions and their violences; but let me mention Sardinia as one instance which has been strongly insisted upon. Did the French attack Sardinia when at peace with them? No such thing. The king of Sardinia had accepted of a subsidy from Great Britain; and Sardinia was, to all intents and purposes, a belligerent power. Several other instances might be mentioned; but though, perhaps, in the majority of instances, the French may be unjustifiable, is this the moment for us to dwell upon these enormities—to waste our time, and inflame our passions, by criminating and recriminating upon each other? There is no end to such a war. I have somewhere read, I think in Sir Walter Raleigh's History of the World, of a most bloody and fatal battle which was fought by two opposite armies, in which almost all the combatants on both sides were killed, "because," says the historian, "though they had offensive weapons on both sides, they had none for defence." So, in this war of words, if we are to use only offensive weapons if we are to indulge only in invective and abuse, the contest must be eternal.

If this war of reproach and invective is to be countenanced, may not the French with equal reason complain of the outrages and the horrors committed by the powers opposed to them? If we must not treat with the French on account of the iniquity of their former transactions, ought we not to be as scrupulous of connecting ourselves with other powers equally criminal? Surely, sir, if we must be thus rigid in scrutinizing the conduct of an enemy, we ought to be equally careful in not committing ourselves, our honour, and our safety with an ally, who has manifested the same want of respect for the rights of other nations. Surely, if it is material to know the character of a power with whom you are about only to treat for peace; it is more material to know the character

of allies, with whom you are about to enter into the closest connexion of friendship, and for whose exertions you are about to pay. Now, sir, what was the conduct of your own allies to Poland? Is there a single atrocity of the French, in Italy, in Switzerland, in Egypt, if you please, more unprincipled and inhuman, than that of Russia, Austria, and Prussia, in Poland? What has there been in the conduct of the French to foreign powers; what in the violation of solemn treaties, what in the plunder, devastation, and dismemberment of unoffending countries; what in the horrors and murders perpetrated upon the subdued victims of their rage in any district which they have overrun, worse than the conduct of those three great powers, in the miserable, devoted, and trampled on kingdom of Poland, and who have been, or are, our allies in this war for religion and social order, and the rights of nations? "Oh! but you regretted the partition of Poland!" Yes, regretted! you regretted the violence, and that is all you did. You united yourselves with the actors; you, in fact, by your acquiescence, confirmed the atrocity. But they are your allies; and though they overrun and divided Poland, there was nothing, perhaps, in the manner of doing it, which stamped it with peculiar infamy and disgrace. The hero of Poland, perhaps, was merciful and mild! He was "as much superiour to Buonaparte in bravery, and in the discipline which he maintained, as he was superiour in virtue and humanity!" He was animated by the purest principles of Christianity, and was restrained in his career by the benevolent precepts which it inculcates! Was he? Let unfortunate Warsaw, and the miserable inhabitants of the suburb of Praga in particular, tell! What do we understand to have been the conduct of this magnanimous hero, with whom, it seems, Buonaparte is not to be compared? He entered the suburb of Praga, the most populous suburb of Warsaw; and there he let his soldiery loose on the miserable, unarmed, and unresisting people. Men, women, and children, nay, infants at the breast, were doomed to



one indiscriminate massacre ! Thousands of them were inhumanly, wantonly butchered ! And for what ! Because they had dared to join in a wish to meliorate their own condition as a people, and to improve their constitution, which had been confessed by their own sovereign to be in want of amendment. And such is the hero upon whom the cause of religion and social order is to repose ! And such is the man whom we praise for his discipline and his virtue, and whom we hold out as our boast and our dependence ; while the conduct of Buonaparte unfits him to be even treated with as an enemy !

But the behaviour of the French towards Switzerland raises all the indignation of the right honourable gentleman, and inflames his eloquence. I admire the indignation which he expresses, and I think he felt it, in speaking of this country, so dear and so congenial to every man who loves the sacred name of liberty. " He who loves liberty," says the right honourable gentleman, " thought himself at home on the favoured and happy mountains of Switzerland, where she seemed to have taken up her abode under a sort of implied compact, among all other states, that she should not be disturbed in this her chosen asylum." I admire the eloquence of the right honourable gentleman in speaking of this country of liberty and peace, to which every man would desire, once in his life at least, to make a pilgrimage ! But who, let me ask him, first proposed to the Swiss people to depart from the neutrality, which was their chief protection, and to join the confederacy against the French ? I aver, that a noble relation of mine,\* then the minister of England to the Swiss Cantons, was instructed, in direct terms, to propose to the Swiss, by an official note, to break from the safe line they had laid down for themselves, and to tell them, " in such a contest neutrality was criminal." I know that noble lord too well, though I have not been in habits of intercourse with him of late, from the em-

\* Lord Robert Fitzgerald.

ployments in which he has been engaged, to suspect that he would have presented such a paper without the express instructions of his court, or that he would have gone beyond those instructions.

But was it only to Switzerland that this sort of language was held? What was our language also to Tuscany and Genoa? An honourable gentleman\* has denied the authenticity of a pretended letter which has been circulated, and ascribed to lord Harvey. He says, it is all a fable and a forgery. Be it so; but is it also a fable that lord Harvey did speak in terms to the grand duke, which he considered as offensive and insulting? I cannot tell, for I was not present; but was it not, and is it not believed? Is it a fable that lord Harvey went into the closet of the grand duke, laid his watch on the table, and demanded, in a peremptory manner, that he should, within a certain number of minutes, I think I have heard, within a quarter of an hour, determine, aye or no, to dismiss the French minister, and order him out of his dominions, with the menace, that if he did not, the English fleet should bombard Leghorn? Will the honourable gentleman deny this also? I certainly do not know it from my own knowledge; but I know that persons of the first credit, then at Florence, have stated these facts, and that they have never been contradicted. It is true, that upon the grand duke's complaint of this indignity, lord Harvey was recalled; but was the principle recalled? was the mission recalled? Did not ministers persist in the demand which lord Harvey had made, perhaps ungraciously? and was not the grand duke forced, in consequence, to dismiss the French minister? and did they not drive him to enter into an unwilling war with the republic? It is true that he afterwards made his peace; and that, having done so, he was treated severely and unjustly by the French; but what do I conclude from all this, but that we have no right to be scrupulous, we who have violated the respect due

\* Mr. Canning.



to peaceable powers ourselves, in this war, which, more than any other that ever afflicted human nature, has been distinguished by the greatest number of disgusting and outrageous insults by the great to the smaller powers. And I infer from this also, that the instances not being confined to the French, but having been perpetrated by every one of the allies, and by England as much as by others, we have no right, either in personal character, or from our own deportment, to refuse to treat with the French on this ground. Need I speak of your conduct to Genoa also? Perhaps the note delivered by Mr. Drake was also a forgery. Perhaps the blockade of the port never took place. It is impossible to deny the facts, which were so glaring at the time. It is a painful thing to me, sir, to be obliged to go back to these unfortunate periods of the history of this war, and of the conduct of this country; but I am forced to the task by the use which has been made of the atrocities of the French as an argument against negotiation. I think I have said enough to prove, that if the French have been guilty, we have not been innocent. Nothing but determined incredulity can make us deaf and blind to our own acts, when we are so ready to yield an assent to all the reproaches which are thrown out on the enemy, and upon which reproaches we are gravely told to continue the war.

“But the French,” it seems, “have behaved ill every where. They seized on Venice, which had preserved the most exact neutrality, or rather” as it is hinted, “had manifested symptoms of friendship to them.” I agree with the right honourable gentleman, it was an abominable act. I am not the apologist of, much less the advocate for their iniquities; neither will I countenance them in their pretences for the injustice. I do not think that much regard is to be paid to the charges which a triumphant soldiery bring on the conduct of a people whom they have overrun. Pretences for outrage will never be wanting to the strong, when they wish to trample on the

weak ; but when we accuse the French of having seized on Venice, after stipulating for its neutrality, and guarantying its independence, we should also remember the excuse that they made for the violence—namely, that their troops had been attacked and murdered. I say I am always incredulous about such excuses ; but I think it fair to hear whatever can be alleged on the other side. We cannot take one side of a story only. Candour demands that we should examine the whole before we make up our minds on the guilt. I cannot think it quite fair to state the view of the subject of one party as indisputable fact, without even mentioning what the other party has to say for itself. But, sir, is this all? Though the perfidy of the French to the Venetians be clear and palpable, was it worse in morals, in principle, and in example, than the conduct of Austria? My honourable friend\* properly asked, “Is not the receiver as bad as the thief?” If the French seized on the territory of Venice, did not the Austrians agree to receive it? “But this,” it seems, “is not the same thing.” It is quite in the nature, and within the rule of diplomattick morality, for Austria to receive the country which was thus seized upon unjustly. “The emperour took it as a compensation. It was his by barter. He was not answerable for the guilt by which it was obtained.” What is this, sir, but the false and abominable reasoning with which we have been so often disgusted on the subject of the slave trade? Just in the same manner have I heard a notorious wholesale dealer in this inhuman traffick, justify his abominable trade. “I am not guilty of the horrible crime of tearing that mother from her infants ; that husband from his wife ; of depopulating that village ; of depriving that family of their sons, the support of their aged parents!—No ; thank heaven ! I am not guilty of this horror : I only bought them in the fair way of trade. They were brought to the market ; they had been guilty of crimes, or they had

\* Mr. Whitbread.



been made prisoners in war; they were accused of witchcraft, of obi, or of some other sort of sorcery; and they were brought to me for sale. I gave a valuable consideration for them. But God forbid that I should have stained my soul with the guilt of dragging them from their friends and families!" Such has been the precious defence of the slave trade; and such is the argument set up for Austria, in this instance of Venice. "I did not commit the crime of trampling on the independence of Venice; I did not seize on the city; I gave a *quid pro quo*. It was a matter of barter and indemnity; I gave half a million of human beings to be put under the yoke of France in another district, and I had these people turned over to me in return!" This, sir, is the defence of Austria; and under such detestable sophistry is the infernal traffick in human flesh, whether in white or black, to be continued, and even justified! At no time has that diabolical traffick been carried to a greater length than during the present war; and that by England herself, as well as Austria and Russia.

"But France," it seems, "has roused all the nations of Europe against her:" and the long catalogue has been read to you, to prove that she must have been atrocious to provoke them all. Is it true, sir, that she has roused them all? It does not say much for the address of his majesty's ministers, if this be the case. What, sir! have all your negotiations, all your declamation, all your money, been squandered in vain? Have you not succeeded in stirring the indignation, and engaging the assistance of a single power? But you do yourselves injustice. Between the crimes of France and your money the rage has been excited; and full as much is due to your seductions, as to her atrocities. My honourable and learned friend\* was correct, therefore, in his argument. For you cannot take both sides of the case: you cannot accuse France of having provoked all Europe,

\* Mr. Erskine.

and at the same time claim the merit of having roused all Europe to join you.

You talk, sir, of your allies. I wish to know who your allies are? Russia is one of them, I suppose. Did France attack Russia? Has the magnanimous Paul taken the field for social order and religion, or on account of personal aggression? The emperor of Russia has declared himself grand master of Malta, though his religion is as opposite to that of the knights, as ours is; and he is as much considered a heretick by the church of Rome, as we are. The king of Great Britain might, with as much reason and propriety, declare himself the head of the order of the Chartreuse monks. Not content with taking to himself the commandery of this institution of Malta, Paul has even created a married man a knight, contrary to all the most sacred rules and regulations of the order: and yet this ally of ours is fighting for religion!—So much for his religion. Let us see his regard to social order! How does he show his abhorrence of the principles of the French, in their violation of the rights of other nations? What has been his conduct to Denmark? He says to her—“You have seditious clubs at Copenhagen: no Danish vessel shall therefore enter the ports of Russia!” He holds a still more despotick language to Hamburgh. He threatens to lay an embargo on her trade; and he forces her to surrender up men who are claimed by the French as their citizens, whether truly or not, I do not inquire. He threatens her with his own vengeance if she refuse, and subjects her to that of the French if she comply. And what has been his conduct to Spain? He first sends away the Spanish minister from Petersburg, and then complains, as a great insult, that his minister was dismissed from Madrid!—This is one of our allies; and he has declared that the object for which he has taken up arms, is to replace the ancient race of the house of Bourbon on the throne of France, and that he does this for the cause of religion and social order! Such is the respect for religion and social



order which he himself displays; and such are the examples of it with which we coalesce!

No man regrets, sir, more than I do, the enormities that France has committed; but how do they bear upon the question as it at present stands? Are we for ever to deprive ourselves of the benefits of peace, because France has perpetrated acts of injustice? Sir, we cannot acquit ourselves upon such ground. We have negotiated. With the knowledge of these acts of injustice and disorder, we have treated with them twice; yet the right honourable gentleman cannot enter into negotiation with them again; and it is worth while to attend to the reasons that he gives for refusing their offer. The revolution itself is no more an objection now, than it was in the year 1796, when he did negotiate. For the government of France at that time, was surely as unstable as it is at present. The crimes of the French, the instability of their government, did not then prevent him; and why are they to prevent him now? He negotiated with a government as unstable, and, baffled in that negotiation, he did not scruple to open another at Lisle in the year 1797. We have heard a very curious account of these negotiations this day, and, as the right honourable gentleman has emphatically told us, an *honest* account of them. He says he has no scruple in avowing that he apprehended danger from the success of his own efforts to procure a pacification, and that he was not displeased at its failure. He was sincere in his endeavours to treat, but he was not disappointed when they failed. I wish accurately to understand the right honourable gentleman. His declaration on the subject, then, I take to be, that though sincere in his endeavours to procure peace in 1797, yet he apprehended greater danger from accomplishing his object, than from the continuance of war; and that he felt this apprehension from the comparative views of the probable state of peace and war at that time. I hope I state the right honourable gentleman correctly. I have no hesitation in allowing the fact, that a state of peace, immediately after a war of such violence, must, in some respects,

be a state of insecurity ; but does this not belong, in a certain degree, to all wars ? and are we never to have peace, because that peace may be insecure ? But there was something, it seems, so peculiar in this war, and in the character and principles of the enemy, that the right honourable gentleman thought a peace in 1797 would be comparatively more dangerous than war. Why then did he treat ? I beg the attention of the house to this point. He treated, "because the unequivocal sense of the people of England was declared to be in favour of a negotiation." The right honourable gentleman, therefore, confesses the truth, that in 1797 the people were for peace. I thought so at the time ; but you all recollect, that when I stated it in my place, it was denied. "True," ministers said, "you have procured petitions ; but we have petitions also. We all know in what strange ways petitions may be procured, and how little they deserve to be considered as the sense of the people." This was their language at the time ; but now we find these petitions did speak the sense of the people, and that it was on this side of the house only the sense of the people was spoken. The majority spoke a contrary language ! It hence follows that the unequivocal sense of the people of England may be spoken by the minority of this house, and that it is not always by the test of numbers that an honest decision is to be ascertained. This house decided against what the right honourable gentleman knew to be the sense of the country ; but he himself acted upon that sense against the vote of parliament.

The negotiation, in 1796, went off, as my honourable and learned friend\* has said, upon the question of Belgium ; or, as the right honourable gentleman asserts, upon a question of principle. He negotiated to please the people, but it was defeated on account of a monstrous principle advanced by France, incompatible with all negotiation." This is now said. Did the right honourable gentleman say so at the time ?

\* Mr. Erskine.



Did he fairly and candidly inform the people of England, that they broke off the negotiation because the French had urged a basis that it was totally impossible for England at any time to grant? No such thing. On the contrary, when the negotiation broke off, they published a manifesto, "renewing, in the face of Europe, the solemn declaration, that whenever the enemy should be disposed to enter on the work of a general pacification, in a spirit of conciliation and equity, nothing should be wanting on their part to contribute to the accomplishment of that great object."—And accordingly, in the year 1797, notwithstanding this incompatible principle, and with all the enormities of the French on their heads, they opened a new negotiation at Lisle. They did not wait for any retraction of this incompatible principle; they did not wait even till overtures were made to them; but they solicited and renewed a negotiation themselves. I do not blame them for this, Sir; I say only that it is an argument against the assertion of an incompatible principle. It is a proof that they did not then think as the right honourable gentleman now says they thought; but that they yielded to the sentiments of the nation, who were generally inclined to peace, against their own judgment; and, from a motive which I shall come to presently, they had no hesitation, on account of the first rupture, to renew the negotiation. It was renewed at Lisle; and this the French broke off, after the revolution at Paris on the 4th of September. What was the conduct of ministers upon this occasion? One would have thought, that, with the fresh insult at Lisle in their minds, with the recollection of their failure the year before at Paris, if it had been true that they found an incompatible principle, they would have talked a warlike language, and would have announced to their country, and to all Europe, that peace was not to be obtained; that they must throw away the scabbard, and think only of the means of continuing the contest. No such thing. They put forth a declaration, in which they said, that they should look with anxious expectation for the moment when the

government of France should show a disposition and spirit corresponding with their own; and renewing before all Europe the solemn declaration, that at the very moment when the brilliant victory of lord Duncan might have justified them to demand more extravagant terms, they were willing, if the calamities of war could be closed, to conclude peace on the same moderate and equitable principles and terms which they had before proposed. Such was their declaration upon that occasion; and in the discussions which we had upon it in this house, ministers were explicit. They said, that by that negotiation, there had been given to the world what might be regarded as an unequivocal test of the sincerity and disposition of a government towards peace, or against it. For those who refuse discussion, show that they are disinclined to pacification; and it is therefore, they said, always to be considered as a test, that the party who refuses to negotiate, is the party who is disinclined to peace. This they themselves set up as the criterion. Try them now, sir, by it. An offer is made them. They rashly, and I think rudely, refuse it. Have they, or have they not, broken their own test?

But, they say, "they have not refused all discussion." They have put a case. They have expressed a wish for the restoration of the house of Bourbon, and have declared that to be an event which would immediately remove every obstacle to negotiation. Sir, as to the restoration of the house of Bourbon, if it shall be the wish of the people of France, I for one will be perfectly content to acquiesce. I think the people of France, as well as every other people, ought to have the government which they like best, and the form of that government, or the persons who hold it in their hands, should never be an obstacle with me to treat with the nation for peace, or to live with them in amity. But, as an Englishman, sir, and actuated by English feelings, I surely cannot wish for the restoration of the house of Bourbon to the throne of France. I hope that I am not a man to bear heavily upon any unfortunate family. I feel for



their situation ; I respect their distresses ; but as a friend of England, I cannot wish for their restoration to the power which they abused. I cannot forget that the whole history of the last century is little more than an account of the wars and the calamities arising from the restless ambition, the intrigues, and the perfidy of the house of Bourbon.

I cannot discover, in any part of the laboured defence which has been set up for not accepting the offer now made by France, any argument to satisfy my mind that ministers have not forfeited the test which they held out as infallible in 1797. An honourable gentleman\* thinks that parliament should be eager only to approach the throne with declarations of their readiness and resolution to support his majesty in the further prosecution of the war without inquiry ; and he is delighted with an address, which he has found upon the journals, to king William, in which they pledged themselves to support him in his efforts to resist the ambition of Louis XIV. He thinks it quite astonishing how much it is in point, and how perfectly it applies to the present occasion. One would have thought, sir, that in order to prove the application, he would have shown that an offer had been respectfully made by the grand monarque to king William, to treat, which he had peremptorily, and in very irritating terms, refused ; and that, upon this, the house of commons had come forward, and, with one voice, declared their determination to stand by him, with their lives and fortunes, in prosecuting the just and necessary war. Not a word like this ; and yet the honourable gentleman finds it exactly a parallel case, and a model for the house, on this day to imitate. I really think, sir, he might as well have taken any other address upon the journals, upon any other topick as this address to king William. It would have been equally in point, and would have equally served to show the honourable gentleman's talent for reasoning.

\* Mr. Canning.

Sir, I cannot here overlook another instance of this honourable gentleman's candid style of debating, and of his respect for parliament. He has found out, it seems, that in former periods of our history, and even in periods which have been denominated good times, intercepted letters have been published;\* and he reads, from the gazette, instances of such publication. Really, sir, if the honourable gentleman had pursued the profession to which he turned his thoughts when younger, he would have learnt that it was necessary to find cases a little more apposite. And yet, full of his triumph on this notable discovery, he has chosen to indulge himself in speaking of a most respectable and a most honourable person as any that his country knows, and who is possessed of as sound an understanding as any man that I have the good fortune to be acquainted with, in terms the most offensive and disgusting, on account of words which he may be supposed to have said in another place.† He has spoken of that noble person, and of his intellect, in terms which, were I disposed to retort, I might say, show himself to be possessed of an intellect which would justify me in passing over in silence any thing that comes from him. Sir, the noble person did not speak of the mere act of publishing the intercepted correspondence; and the honourable gentleman's reference to the gazettes of former periods is, therefore, not in point. The noble duke complained of the manner in which these intercepted letters had been published; not of the fact itself of their publication. For, in the introduction and notes to those letters, the *ribaldry* is such, that they are not screened from the execration of every honourable mind even by their extreme stupidity. The honourable gentleman says, that he must treat

\* Mr. Canning had justified the publication of the intercepted correspondence of the French from Egypt by the British government.

† Refers to the duke of Bedford's speech in the house of lords.



with indifference the intellect of a man who can ascribe the present scarcity of corn to the war. Sir, I think there is nothing either absurd or unjust in such an opinion. Does not the war, necessarily, by its magazines, and still more by its expeditions, increase consumption? But when we learn that corn is, at this very moment, sold in France for less than half the price which it bears here, is it not fair to suppose that, but for the war and its prohibitions, a part of that grain would be brought to this country, on account of the high price which it would command, and that, consequently, our scarcity would be relieved from their abundance? I speak of course only upon report. But I see that the prices quoted in the French markets are less, by one half, than the prices in England. There was nothing, therefore, very absurd in what fell from the noble person; and I would really advise the honourable gentleman, when he speaks of persons distinguished for every virtue, to be a little more guarded in his language. I see no reason why he and his friends should not leave to persons in another place, holding the same opinions as themselves, the task of answering what may be thrown out there. Is not the phalanx sufficient? It is no great compliment to their talents, considering their number, that they cannot be left to the task of answering the few to whom they are opposed; but, perhaps, the honourable gentleman has too little to do in this house, and is to be sent there himself. In truth, I see no reason why even he might not be sent, as well as some others, who have been raised to the peerage. But while he continues with us I really think that the honourable gentleman will find full employment for all his talents in answering the arguments which are urged in this house, without employing them in disparaging one of the finest understandings in this kingdom.

And now, sir, to return to the subject of the negotiation in 1797. It is, in my mind, extremely material to attend to the account which the minister gives of his memorable negotiation of 1797, and of

his motives for entering into it. In all questions of peace and war, he says, many circumstances must necessarily enter into the consideration; and that they are not to be decided upon the extremes. The determination must be made upon a balance and comparison of the evils or the advantages upon the one side and the other, and that one of the greatest considerations is that of finance. In 1797, the right honourable gentleman confesses he found himself peculiarly embarrassed as to the resources for the war, if they were to be found in the old and usual way of the funding system. Now, though he thought upon his balance and comparison of considerations, that the evils of war would be fewer than those of peace, yet they would only be so, provided that he could establish *a new and solid system of finance* in the place of the old and exhausted funding system; and to accomplish this scheme it was necessary to have the unanimous assent and approbation of the people. To procure unanimity, he pretended to be a friend to negotiation, though he did not wish for the success of that negotiation, but hoped only through that means he should bring the people to agree to his *new and solid system of finance*. I trust I state the right honourable gentleman fairly. I am sure that I mean to do so. With these views, then what does he do? Knowing that, contrary to his declarations in this house, the opinion of the people of England was generally for peace, he enters into a negotiation, in which, as the world believed at the time, and even until this day, he completely failed.—No such thing, sir.—He completely succeeded.—For his object was not to gain peace. It was to gain over the people of this country to a *new and solid system of finance*,—that is, to the raising a great part of the supplies within the year, to the triple assessment, and to the tax upon income! And how did he gain them over? By pretending to be a friend of peace, which he was not; and by opening a negotiation, which he secretly wished might not succeed! The right honourable gentleman says, that in all this



he was honest and sincere. He negotiated fairly, and would have obtained the peace, if the French had shown a disposition correspondent to his own; but he rejoiced that their conduct was such as to convince the people of England of the necessity of concurring with him in the views which he had, and in granting him the supply which he thought essential to their posture at the time. Sir, I will not say, that in all this he was not honest to his own purpose, and that he has not been honest in his declarations and confessions this night; but I cannot agree that he was honest to this house, or honest to the people of this country. To this house it was not honest to make them counteract the sense of the people, as he knew it to be expressed in the petitions upon the table, nor was it honest to the country, to act in a disguise, and to pursue a secret purpose unknown to them, while affecting to take the road which they pointed out. I know not whether this may not be honesty in the political ethicks of the right honourable gentleman; but I know that it would be called by a very different name in the common transactions of society, and in the rules of morality, established in private life. I know of nothing, in the history of this country, that it resembles, except, perhaps, one of the most profligate periods—the reign of Charles II. when the sale of Dunkirk might probably have been justified by the same pretence. That monarch also declared war against France, and did it to cover a negotiation by which, in his difficulties, he was to gain a *solid system of finance*.

But, sir, I meet the right honourable gentleman on his own ground. I say that you ought to treat on the same principle on which you treated in 1797, in order to gain the cordial cooperation of the people. We want “experience, and the evidence of facts.” Can there be any evidence of facts equal to that of a frank, open, and candid negotiation? Let us see whether Buonaparte will display the same temper as his predecessors. If he shall do so, then you will confirm the people of England in their opinion of

the necessity of continuing the war, and you will revive all the vigour which you roused in 1797. Or will you not do this until you have a reverse of fortune? Will you never treat but when you are in a situation of distress, and when you have occasion to impose on the people?

But, you say, you have not refused to treat. You have stated a case in which you will be ready immediately to enter into a negotiation, viz. the restoration of the house of Bourbon. But you deny that this is a *sine qua non*; and in your nonsensical language, which I do not understand, you talk of *limited possibilities*, which may induce you to treat without the restoration of the house of Bourbon. But do you state what they are? Now, sir, I say, that if you put one case, upon which you declare that you are willing to treat immediately, and say that there are other possible cases which may induce you to treat hereafter, without mentioning what these possible cases are, you do state a *sine qua non* of immediate treaty. Suppose that I have an estate to sell, and I say my demand is 1000*l.* for it. For that sum I will sell the estate immediately. To be sure, there may be other terms upon which I may be willing to part with it; but I mention nothing of them. The 1000*l.* is the only condition that I state at the time. Will any gentleman assert that I do not make the 1000*l.* the *sine qua non* of the immediate sale? Thus, you say, the restoration of the princes is not the only possible ground; but you give no other. This is your *projet*. Do you demand a *contre projet*? Do you follow your own rule? Do you not do the thing of which you complained in the enemy? You seemed to be afraid of receiving another proposition; and by confining yourselves to this one point, you make it, in fact, though not in terms, your *sine qua non*.

But the right honourable gentleman, in his speech, does what the official note avoids. He finds there the convenient words, "experience and the evidence of facts. Upon these he goes into detail; and in order



to convince the house that new evidence is required, he reverts to all the earliest acts and crimes of the revolution ; to all the atrocities of all the governments that have passed away ; and he contends that he must have experience that these foul crimes are repented of, and that a purer and a better system is adopted in France, by which he may be sure that they will be capable of maintaining the relations of peace and amity. Sir, these are not conciliatory words ; nor is this a practicable ground to gain experience. Does he think it possible, that evidence of a peaceable demeanour can be obtained in war ? What does he mean to say to the French consul ? “ Until you shall, in war, behave yourself in a peaceable manner, I will not treat with you.” Is there not in this something extremely ridiculous ? In duels, indeed, we have often heard of such language. Two gentlemen go out, and fight, when having discharged their pistols at one another, it is not unusual for one of them to say to the other, “ now I am satisfied. I see that you are a man of honour, and we are friends again.” There is something, by the by, ridiculous even here. But between nations, it is more than ridiculous. It is criminal. It is a ground which no principle can justify, and which is as impracticable as it is impious. That two nations should be set on to beat one another into friendship, is too abominable even for the fiction of romance. But for a statesman, seriously and gravely, to lay it down as a system upon which he means to act, is monstrous. What can we say of such a test as he means to put the French government to, but that it is hopeless ? It is in the nature of war to inflame animosity ; to exasperate, not to sooth ; to widen, not to approximate. So long as this is to be acted upon, I say, it is in vain to hope that we can have the evidence which we require.

The right honourable gentleman, however, thinks otherwise ; and he points out four distinct possible cases, besides the reestablishment of the Bourbon family, in which he would agree to treat with the French.

1. "*If Buonaparte shall conduct himself so as to convince him that he has abandoned the principles which were objectionable in his predecessors, and that he will be actuated by a more moderate system.*" I ask you, sir, if this is likely to be ascertained in war? It is the nature of war, not to allay, but to inflame the passions; and it is not by the invective and abuse which have been thrown upon him and his government, nor by the continued irritations which war is sure to give, that the virtues of moderation and forbearance are to be nourished.

2. "*If contrary to the expectations of ministers, the people of France shall show a disposition to acquiesce in the government of Buonaparte.*" Does the right honourable gentleman mean to say, that because it is a usurpation on the part of the present chief, that therefore the people are not likely to acquiesce in it? I have not time, sir, to discuss the question of this usurpation, or whether it is likely to be permanent; but I certainly have not so good an opinion of the French, nor of any people, as to believe that it will be short-lived, *merely* because it was a usurpation, and because it is a system of military despotism. Cromwell was a usurper; and in many points there may be found a resemblance between him and the present chief consul of France. There is no doubt but that, on several occasions of his life, Cromwell's sincerity may be questioned, particularly in his self-denying ordinance; in his affected piety, and other things; but would it not have been insanity in France and Spain to refuse to treat with him, because he was a usurper, or wanted candour? No, sir, these are not the maxims by which governments are actuated. They do not inquire so much into the means by which power may have been acquired, as into the fact of where the power resides. The people did acquiesce in the government of Cromwell. But it may be said that the splendour of his talents, the vigour of his administration, the high tone with which he spoke to foreign nations, the success of his arms, and the character which he gave to the English name, induced the



nation to acquiesce in his usurpation; and that we must not try Buonaparte by his example. Will it be said that Buonaparte is not a man of great abilities? Will it be said that he has not, by his victories, thrown a splendour over even the violence of the revolution, and that he does not conciliate the French people by the high and lofty tone in which he speaks to foreign nations? Are not the French, then, as likely as the English, in the case of Cromwell, to acquiesce in his government? If they should do so, the right honourable gentleman may find that this possible predicament may fail him. He may find, that though one power may make war, it requires two to make peace. He may find that Buonaparte was as insincere as himself, in the proposition which he made; and in his turn he may come forward and say—"I have no occasion now for concealment. It is true, that in the beginning of the year 1800, I offered to treat, not because I wished for peace, but because the people of France wished for it; and besides, my old resources being exhausted, and there being no means of carrying on the war without a new and solid system of finance, I pretended to treat, because I wished to procure the unanimous assent of the French people to this *new and solid system of finance*. Did you think I was in earnest? You were deceived. I now throw off the mask. I have gained my point; and I reject your offers with scorn." Is it not a very possible case that he may use this language? Is it not within the right honourable gentleman's *knowledge of human nature*? But even if this should not be the case, will not the very test which you require, the acquiescence of the people of France in his government, give him an advantage-ground in the negotiation which he does not now possess? Is it quite sure, that when he finds himself safe in his seat, he will treat on the same terms as at present, and that you will get a better peace some time hence, than you might reasonably hope to obtain at this moment? Will he not have one interest less to do it? and do you not overlook a favourable occasion, for a chance which is extremely doubtful? These are the conside-

rations which I would urge to his majesty's ministers, against the dangerous experiment of waiting for the acquiescence of the people of France.

3. "*If the allies of this country shall be less successful than they have every reason to expect they will be, in stirring up the people of France against Buonaparte, and in the further prosecution of the war.*" And

4. "*If the pressure of the war should be heavier upon us, than it would be convenient for us to continue to bear.*" These are the other two possible emergencies in which the right honourable gentleman would treat even with Buonaparte. Sir, I have often blamed the right honourable gentleman for being disingenuous and insincere. On the present occasion I certainly cannot charge him with any such thing. He has made to night a most honest confession. He is open and candid. He tells Buonaparte fairly what he has to expect. "I mean," says he, "to do every thing in my power to raise up the people of France against you; I have engaged a number of allies, and our combined efforts shall be used to excite insurrection and civil war in France. I will strive to murder you, or to get you sent away. If I succeed, well; but if I fail, then I will treat with you. My resources being exhausted; even my solid system of finance having failed to supply me with the means of keeping together my allies, and of feeding the discontents I have excited in France; then you may expect to see me renounce my high tone, my attachment to the house of Bourbon, my abhorrence of your crimes, my alarm at your principles. For then I shall be ready to own, that, on the balance and comparison of circumstances, there will be less danger in concluding a peace, than in the continuance of war!" Is this political language for one state to hold to another? And what sort of peace does the right honourable gentleman expect to receive in that case? Does he think that Buonaparte would grant, to baffled insolence, to humiliated pride, to disappointment and to imbecility, the same terms which he would be ready to give now? The right honourable gentle-



man cannot have forgotten what he said on another occasion,

“ ————— Potuit quæ plurima virtus  
 “ Esse fuit, toto certatum est corpore regni.”

He would then have to repeat his words, but with a different application. He would have to say, that all our efforts are vain. We have exhausted our strength. Our designs are impracticable, and we must sue to you for peace.

Sir, what is the question to night? We are called upon to support ministers in refusing a frank, candid and respectful offer of negotiation, and to countenance them in continuing the war. Now, I would put the question in another way. Suppose that ministers had been inclined to adopt the line of conduct which they pursued in 1796 and 1797, and that to night, instead of a question on a war address, it had been an address to his majesty, to thank him for accepting the overture, and for opening a negotiation to treat for peace: I ask the gentlemen opposite; I appeal to the whole 558 representatives of the people, to lay their hands upon their hearts, and to say, whether they would not have cordially voted for such an address? Would they, or would they not? Yes, sir, if the address had breathed a spirit of peace, your benches would have resounded with rejoicings, and with praises of a measure that was likely to bring back the blessings of tranquillity. On the present occasion, then, I ask for the vote of no gentlemen, but of those who, in the secret confession of their conscience, admit, at this instant, while they hear me, that they would have cheerfully and heartily voted with the minister for an address directly the reverse of the one proposed. If every such gentleman were to vote with me, I should be this night in the greatest majority that ever I had the honour to vote with in this house. I do not know that the right honourable gentleman would find, even on the benches around him, a single individual who would not vote with me. I am sure he would not find many. I do not know that in this house I could single out the individual, who

would think himself bound by consistency to vote against the right honourable gentleman, on an address for negotiation. There may be some, but they are very few. I do know, indeed, one most honourable man in another place, whose purity and integrity I respect, though I lament the opinion he has formed on this subject, who would think himself bound, from the uniform consistency of his life, to vote against an address for negotiation. Earl Fitzwilliam would, I verily believe, do so. He would feel himself bound, from the previous votes he has given, to declare his objection to all treaty. But I own I do not know more in either house of parliament. There may be others, but I do not know them. What then is the house of commons come to, when, notwithstanding their support given to the right honourable gentleman in 1796 and 1797, on his entering into negotiation: notwithstanding their inward conviction, that they would vote with him this moment for the same measure, who, after supporting the minister in his negotiation for a solid system of finance, can now bring themselves to countenance his abandonment of the ground he took, and to support him in refusing all negotiation! What will be said of gentlemen who shall vote in this way, and yet feel, in their consciences, that they would have, with infinitely more readiness, voted the other?

Sir, we have heard to night a great many most acrimonious invectives against Buonaparte, against all the course of his conduct, and against the unprincipled manner in which he seized upon the reins of government. I will not make his defence. I think all this sort of invective, which is used only to inflame the passions of this house and of the country, exceedingly ill timed, and very impolitick. But I say I will not make his defence. I am not sufficiently in possession of materials upon which to form an opinion on the character and conduct of this extraordinary man. On his arrival in France, he found the government in a very unsettled state, and the whole affairs of the republick deranged, crippled, and involved.



He thought it necessary to reform the government; and he did reform it, just in the way in which a military man may be expected to carry on a reform. He seized on the whole authority for himself. It will not be expected from me, that I should either approve or apologize for such an act. I am certainly not for reforming governments by such expedients; but how this house can be so violently indignant at the idea of military despotism, is, I own, a little singular, when I see the composure with which they can observe it nearer home; nay, when I see them regard it as a frame of government most peculiarly suited to the exercise of free opinion, on a subject the most important of any that can engage the attention of a people. Was it not the system which was so happily and so advantageously established of late, all over Ireland; and which, even now, the government may, at its pleasure, proclaim over the whole of that kingdom? Are not the persons and property of the people left, in many districts, at this moment, to the entire will of military commanders? and is not this held out as peculiarly proper and advantageous, at a time when the people of Ireland are freely, and with unbiassed judgments, to discuss the most interesting question of a legislative union? Notwithstanding the existence of martial law, so far do we think Ireland from being enslaved, that we presume it precisely the period and the circumstances under which she may best declare her free opinion! Now, really, sir, I cannot think that gentleman, who talk in this way about Ireland, can, with a good grace, rail at military despotism in France.

But, it seems, "Buonaparte has broken his oaths. He has violated his oath of fidelity to the constitution of the third year." Sir, I am not one of those who hold that any such oaths ought ever to be exacted. They are seldom or ever of any effect; and I am not for sporting with a thing so sacred as an oath. I think it would be good to lay aside all such oaths. Who ever heard, that, in revolutions, the oath of fidelity to the former government was ever regarded; or even

when violated, that it was imputed to the persons as a crime? In times of revolution, men who take up arms are called rebels. If they fail, they are adjudged to be traitors; but who, before, ever heard of their being perjured? On the restoration of king Charles II. those who had taken up arms for the commonwealth, were stigmatized as rebels and traitors, but not as men forsworn. Was the earl of Devonshire charged with being perjured, on account of the allegiance he had sworn to the house of Stuart, and the part he took in those struggles which preceded and brought about the revolution? The violation of oaths of allegiance was never imputed to the people of England, and will never be imputed to any people. But who brings up the question of oaths? He who strives to make twenty-four millions of persons violate the oaths they have taken to their present constitution, and who desires to reestablish the house of Bourbon by such violation of their vows. I put it so, sir, because, if the question of oaths be of the least consequence, it is equal on both sides. He who desires the whole people of France to perjure themselves, and who hopes for success in his project only upon their doing so, surely cannot make it a charge against Buonaparte that he has done the same.

“ Ah! but Buonaparte has declared it as his opinion, that the two governments of Great Britain and of France cannot exist together. After the treaty of Campo Formio, he sent two confidential persons, Berthier and Monge, to the directory, to say so in his name.” Well, and what is there in this absurd and puerile assertion, if it were ever made? Has not the right honourable gentleman, in this house, said the same thing. In this, at least, they resemble one another. They have both made use of this assertion; and I believe, that these two illustrious persons are the only two on earth who think it. But let us turn the tables. We ought to put ourselves at times in the place of the enemy, if we are desirous of really examining with candour and fairness the dispute between us. How may they not in-



interpret the speeches of ministers, and their friends, in both houses of the British parliament? If we are to be told of the idle speech of Berthier and Monge, may they not also bring up speeches, in which it has not been merely hinted, but broadly asserted, that "the two constitutions of England and France could not exist together?" May not these offences and charges be reciprocated without end? Are we ever to go on in this miserable squabble about words? Are we still, as we happen to be successful on the one side or other, to bring up these impotent accusations, insults, and provocations, against each other; and only when we are beaten and unfortunate, to think of treating? Oh! pity the condition of man, gracious God! and save us from such a system of malevolence, in which all our old and venerated prejudices are to be done away, and by which we are to be taught to consider war as the natural state of man, and peace but as a dangerous and difficult extremity!

Sir, this temper must be corrected. It is a diabolical spirit, and would lead to an interminable war. Our history is full of instances, that where we have overlooked a proffered occasion to treat, we have uniformly suffered by delay. At what time did we ever profit by obstinately persevering in war? We accepted at Ryswick the terms we had refused five years before, and the same peace which was concluded at Utrecht might have been obtained at Gertruydenberg. And as to security, from the future machinations or ambition of the French, I ask you, what security you ever had, or could have? Did the different treaties made with Louis XIV. serve to tie up his hands, to restrain his ambition, or to stifle his restless spirit? At what time, in old or in recent periods, could you safely repose on the honour, forbearance and moderation of the French government? Was there ever an idea of refusing to treat, because the peace might be afterwards insecure? The peace of 1763 was not accompanied with securities; and it was no sooner made, than the French court began, as usual, its intrigues. And what security did the right honourable gentleman exact at the peace of 1783, in

which he was engaged? Were we rendered secure by that peace? The right honourable gentleman knows well, that soon after that peace, the French formed a plan, in conjunction with the Dutch, of attacking our India possessions, of raising up the native powers against us, and of driving us out of India; as they were more recently desirous of doing, only with this difference, that the cabinet of France formerly entered into this project in a moment of profound peace, and when they conceived us to be lulled into a perfect security. After making the peace of 1783, the right honourable gentleman and his friends went out, and I, among others, came into office. Suppose, sir, that we had taken up the jealousy upon which the right honourable gentleman now acts, and had refused to ratify the peace which he had made. Suppose that we had said—No. France is acting a perfidious part; we see no security for England in this treaty; they want only a respite, in order to attack us again in an important part of our dominions; and we ought not to confirm the treaty. I ask you, would the right honourable gentleman have supported us in this refusal? I say, that upon his present reasoning he ought: but I put it fairly to him, would he have supported us in refusing to ratify the treaty upon such a pretence? He certainly ought not, and I am sure he would not; but the course of reasoning which he now assumes, would have justified his taking such a ground. On the contrary, I am persuaded that he would have said—“This security is a refinement upon jealousy. You have security, the only security that you can ever expect to get. It is the present interest of France to make peace. She will keep it if it be her interest. She will break it if it be her interest. Such is the state of nations; and you have nothing but your own vigilance for your security.”

“It is not the interest of Buonaparte, it seems, sincerely to enter into a negotiation, or, if he should even make peace, sincerely to keep it.” But how are we to decide upon his sincerity? By refusing to treat with him? Surely, if we mean to discover his sincerity,



we ought to hear the propositions which he desires to make. "But peace would be unfriendly to his system of military despotism." Sir, I hear a great deal about the short lived nature of military despotism. I wish the history of the world would bear gentlemen out in this description of it. Was not the government erected by Augustus Cesar a military despotism? and yet it endured for six, or seven hundred years. Military despotism, unfortunately, is too likely in its nature to be permanent, and it is not true that it depends on the life of the first usurper. Though half of the Roman emperours were murdered, yet the military despotism went on; and so it would be, I fear, in France. If Buonaparte should disappear from the scene, to make room, perhaps, for a Berthier, or any other general, what difference would that make in the quality of French despotism, or in our relation to the country? We may as safely treat with a Buonaparte, or with any of his successors, be they whom they may, as we could with a Louis XVI. a Louis XVII. or a Louis XVIII.—There is no difference but in the name. Where the power essentially resides, thither we ought to go for peace.

But, sir, if we are to reason on the fact, I should think that it is the interest of Buonaparte to make peace. A lover of military glory, as that general must necessarily be, may he not think that his measure of glory is full; that it may be tarnished by a reverse of fortune, and can hardly be increased by any new laurels? He must feel, that, in the situation to which he is now raised, he can no longer depend on his own fortune, his own genius, and his own talents, for a continuance of his success. He must be under the necessity of employing other generals, whose misconduct or incapacity might endanger his power, or whose triumphs even might affect the interest which he holds in the opinion of the French. Peace, then, would secure to him what he has achieved, and fix the inconstancy of fortune. But this will not be his only motive. He must see that France also requires

a respite; a breathing interval, to recruit her wasted strength. To procure her this respite, would be, perhaps, the attainment of more solid glory, as well as the means of acquiring more solid power, than any thing which he can hope to gain from arms, and from the proudest triumphs. May he not then be zealous to secure this fame, the only species of fame, perhaps, that is worth acquiring? Nay, granting that his soul may still burn with the thirst of military exploits, is it not likely that he is disposed to yield to the feelings of the French people, and to consolidate his power by consulting their interests? I have a right to argue in this way when suppositions of his insincerity are reasoned upon on the other side. Sir, these aspersions are, in truth, always idle, and even mischievous. I have been too long accustomed to hear imputations and calumnies thrown out upon great and honourable characters, to be much influenced by them. My honourable and learned friend\* has paid this night a most just, deserved and eloquent tribute of applause, to the memory of that great and unparalleled character, who is so recently lost to the world. I must, like him, beg leave to dwell a moment on the venerable *George Washington*, though I know that it is impossible for me to bestow any thing like adequate praise on a character which gave us, more than any other human being, the example of a perfect man; yet, good, great, and unexampled as General Washington was, I can remember the time when he was not better spoken of in this house than Buonaparte is at present. The right honourable gentleman who opened this debate,† may remember in what terms of disdain, of virulence, even of contempt, general Washington was spoken of by gentlemen on that side of the house. Does he not recollect with what marks of indignation any member was stigmatized as an enemy to his country, who mentioned with common respect the name of general Washington? If a negotiation had then been propo-

\* Mr. Erskine.

† Mr. Dundas.



sed to be opened with that great man, what would have been said? Would you treat with a rebel, a traitor! What an example would you not give by such an act! I do not know whether the right honourable gentleman may not yet possess some of his old prejudices on the subject. I hope not: I hope by this time we are all convinced that a republican government, like that of America, may exist without danger or injury to social order, or to established monarchies. They have happily shown that they can maintain the relations of peace and amity with other states. They have shown, too, that they are alive to the feelings of honour; but they do not lose sight of plain good sense and discretion. They have not refused to negotiate with the French, and they have accordingly the hopes of a speedy termination of every difference. We cry up their conduct, but we do not imitate it. At the beginning of the struggle, we were told that the French were setting up a set of wild and impracticable theories, and that we ought not to be misled by them; that they were phantoms with which we could not grapple. Now we are told that we must not treat, because, out of the lottery, Buonaparte has drawn such a prize as military despotism. Is military despotism a theory? One would think that that is one of the practical things which ministers might understand, and to which they would have no particular objection. But what is our present conduct founded on but a theory, and that a most wild and ridiculous theory? For what are we fighting? Not for a principle; not for security; not for conquest; but merely for an experiment and a speculation, to discover whether a gentleman at Paris may not turn out a better man than we now take him to be.

My honourable friend,† has been censured for an opinion which he gave, and I think justly, that the change of property in France since the revolution must form an almost insurmountable barrier to the return of the ancient proprietors. “No such thing,”

† Mr. Whitbread.

says the right honourable gentleman; "nothing can be more easy. Property is depreciated to such a rate, that the purchasers would easily be brought to restore the estates." I think differently. It is the character of every such convulsion as that which has ravaged France, that an infinite and undescribable load of misery is inflicted upon private families. The heart sickens at the recital of the sorrows which it engenders. The revolution did not imply though it may have occasioned, a total change of property: the restoration of the Bourbons does imply it; and such is the difference. There is no doubt but that if the noble families had foreseen the duration and the extent of the evils which were to fall upon their heads, they would have taken a very different line of conduct. But they unfortunately flew from their country. The king and his advisers sought foreign aid, and a confederacy was formed to restore them by military force: as a means of resisting this combination, the estates of the fugitives were confiscated and sold. However compassion may deplore the case, it cannot be said that the thing is unprecedented. The people have always resorted to such means of defence. Now the question is, how this property is to be got out of their hands? If it be true, as I have heard it said, the purchasers of national and forfeited estates amount to one million and a half of persons, I see no hopes of their being forced to deliver up their property: nor do I even know that they ought. I doubt whether it would be the means of restoring tranquillity and order to a country, to attempt to devest a body of one million and a half of inhabitants, in order to reinstate a much smaller body. I question the policy, even if the thing were practicable; but I assert, that such a body of new proprietors forms an insurmountable barrier to the restoration of the ancient order of things. Never was a revolution consolidated by a pledge so strong.

But, as if this were not of itself sufficient Louis XVIII. from his retirement at Mittau, puts forth a manifesto, in which he assures the friends of his



house, that he is about to come back with all the powers that formerly belonged to his family. He does not promise to the people a constitution which might tend to conciliate their hearts; but, stating that he is to come with all the *ancien regime*, they would naturally attach to it its proper appendages of bastilles, lettres de cachet, gabelle, &c. And the noblesse, for whom this proclamation was peculiarly conceived, would also naturally feel, that if the monarch was to be restored to all his privileges, they surely were to be reinstated in their estates without a compensation to the purchasers. Is this likely to make the people wish for the restoration of royalty? I have no doubt but there may be a number of Chouans in France, though I am persuaded that little dependence is to be placed on their efforts. There may be a number of people dispersed over France, and particularly in certain provinces, who may retain a degree of attachment to royalty: how the government will contrive to compromise with that spirit, I know not. I suspect, however, that Buonaparte will try. His efforts have been already turned to that object; and, if we may believe report, he has succeeded to a considerable degree. He will naturally call to his recollection the precedent which the history of France itself will furnish. The once formidable insurrection of the Hugonots was completely stifled, and the party conciliated, by the policy of Henry IV. who gave them such privileges, and raised them so high in the government, as to make some persons apprehend danger therefrom to the unity of the empire. Nor will the French be likely to forget the revocation of the edict; one of the memorable acts of the house of Bourbon, which was never surpassed in atrocity, injustice, and impolicy, by any thing that has disgraced jacobinism. If Buonaparte shall attempt some similar arrangement to that of Henry IV. with the Chouans, who will say that he is likely to fail? He will meet with no great obstacle to success from the influence which our ministers have established with the chiefs, or in the attachment and

dependence which they have on our protection. For what has the right honourable gentleman told them, in stating the contingencies in which he will treat with Buonaparte? He will excite a rebellion in France. He will give support to the Chouans, if they can stand their ground; but he will not make common cause with them. For unless they can depose Buonaparte, send him into banishment, or execute him, he will abandon the Chouans, and treat with this very man, whom, at the same time, he describes as holding the reins and wielding the powers of France for purposes of unexampled barbarity.

Sir, I wish the atrocities of which we hear so much, and which I abhor as much as any man, were, indeed, unexampled. I fear that they do not belong exclusively to the French. When the right honourable gentleman speaks of the extraordinary successes of the last campaign, he does not mention the horrors by which some of these successes were accompanied. Naples, for instance, has been, among others, what is called *delivered*; and yet, if I am rightly informed, it has been stained and polluted by murders so ferocious, and by cruelties of every kind so abhorrent, that the heart shudders at the recital. It has been said, not only that the miserable victims of the rage and brutality of the fanaticks, were savagely murdered, but that, in many instances, their flesh was eaten and devoured by the cannibals, who are the advocates and the instruments of social order! Nay, England is not totally exempt from reproach, if the rumours which are circulated be true. I will mention a fact, to give ministers the opportunity, if it be false, to wipe away the stain that it must otherwise affix on the British name. It is said, that a party of the republican inhabitants of Naples took shelter in the fortress of the Castel de Uova. They were besieged by a detachment from the royal army, to whom they refused to surrender; but demanded that a British officer should be brought forward, and to him they capitulated. They made terms with him under the sanction of the British name. It was agreed, that



their persons and property should be safe, and that they should be conveyed to Toulon. They were accordingly put on board a vessel; but before they sailed, their property was confiscated, numbers of them taken out, thrown into dungeons, and some of them, I understand, notwithstanding the British guarantee, actually executed!

Where then, Sir, is this war, which on every side is pregnant with such horrors, to be carried? Where is it to stop? Not till we establish the house of Bourbon! And this you cherish the hope of doing, because you have had a successful campaign. Why, sir, before this you have had a successful campaign. The situation of the allies, with all they have gained, is surely not to be compared now to what it was when you had taken Valenciennes, Quesnoy, Condé, &c. which induced some gentlemen in this house to prepare themselves for a march to Paris. With all that you have gained, you surely will not say that the prospect is brighter now than it was then. What have you gained but the recovery of a part of what you before lost? One campaign is successful to you; another to them; and in this way, animated by the vindictive passions of revenge, hatred, and rancour, which are infinitely more flagitious, even, than those of ambition and the thirst of power, you may go on for ever; as, with such black incentives, I see no end to human misery.

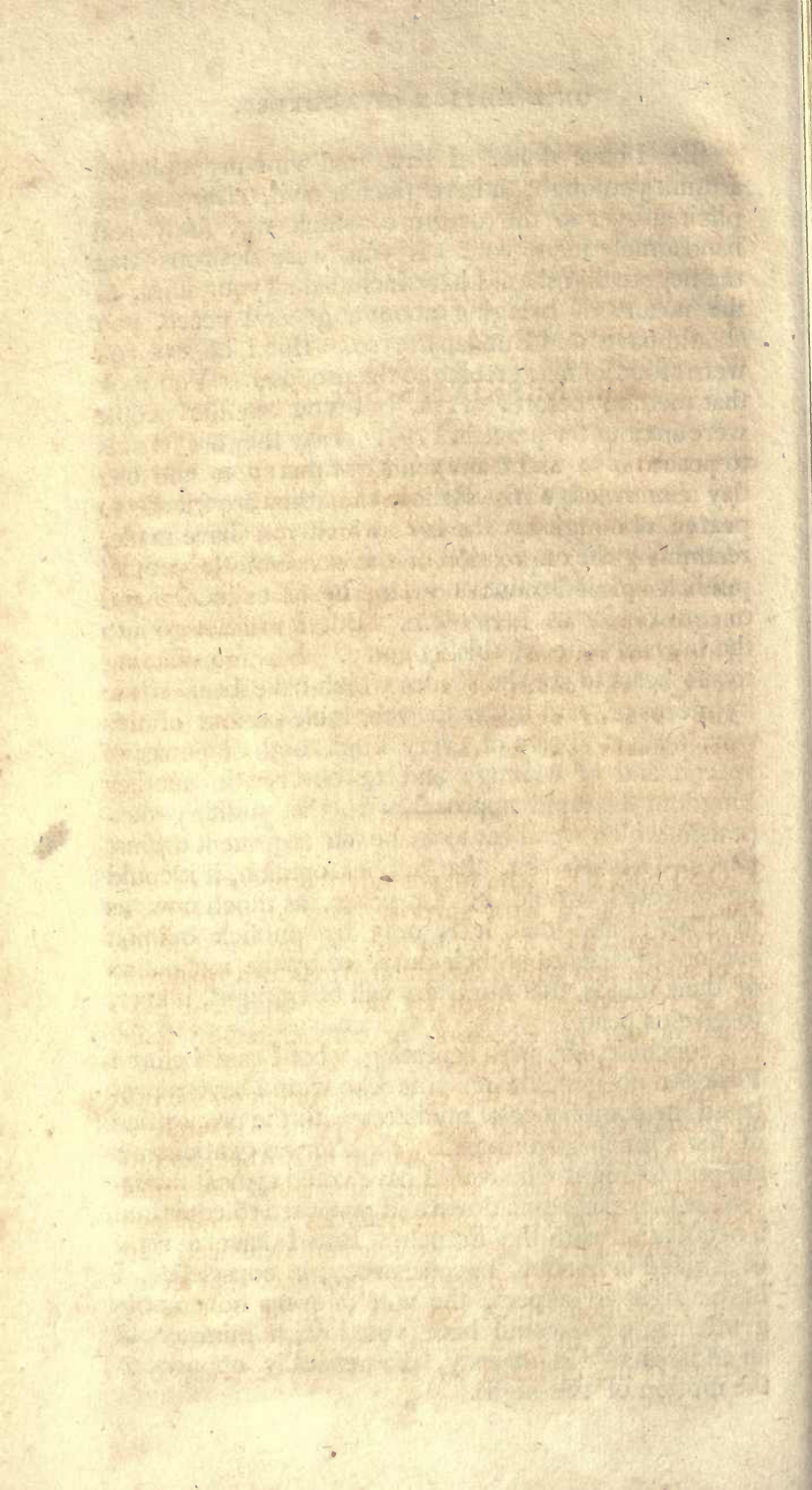
And all this without an intelligible motive. All this because you may gain a better peace a year or two hence! So that we are called upon to go on merely as a speculation. We must keep Buonaparte for some time longer at war, as a state of probation. Gracious God, Sir! is war a state of probation? Is peace a rash system? Is it dangerous for nations to live in amity with each other? Is your vigilance, your policy, your common powers of observation, to be extinguished by putting an end to the horrors of war? Cannot this state of probation be as well undergone without adding to the catalogue of human sufferings? "But we must *pause*!" What! must the bowels of

Great Britain be torn out—her best blood be spilt—her treasure wasted—that you may make an experiment? Put yourselves, oh! that you would put yourselves in the field of battle, and learn to judge of the sort of horrors that you excite. In former wars a man might, at least, have some feeling, some interest, that served to balance in his mind the impressions which a scene of carnage and of death must inflict. If a man had been present at the battle of Blenheim, for instance, and had inquired the motive of the battle, there was not a soldier engaged who could not have satisfied his curiosity, and even, perhaps, allayed his feelings. They were fighting, they knew, to repress the uncontrolled ambition of the Grand Monarque.—But if a man were present now at a field of slaughter, and were to inquire for what they were fighting—“Fighting!” would be the answer; “they are not fighting; they are *pausing*.” “Why is that man expiring? Why is that other writhing with agony? What means this implacable fury?” The answer must be, “You are quite wrong, sir, you deceive yourself—they are not fighting—do not disturb them—they are merely *pausing*!—This man is not expiring with agony—that man is not dead—he is only *pausing*! Lord help you, sir! they are not angry with one another: they have now no cause of quarrel; but their country thinks that there should be a *pause*. All that you see, sir, is nothing like fighting—there is no harm, nor cruelty, nor bloodshed in it whatever: it is nothing more than a *political pause*! It is merely to try an experiment—to see whether Buonaparte will not behave himself better than heretofore; and in the mean time we have agreed to a *pause*, in pure friendship!” And is this the way, sir, that you are to show yourselves the advocates of order? You take up a system calculated to uncivilize the world—to destroy order—to trample on religion—to stifle in the heart, not merely the generosity of noble sentiment, but the affections of social nature; and in the prosecution of this system, you spread terror and devastation all around you.



Sir, I have done. I have told you my opinion. I think you ought to have given a civil, clear and explicit answer to the overture which was fairly and handsomely made you. If you were desirous that the negotiation should have included all your allies, as the means of bringing about a general peace, you should have told Buonaparte so. But I believe you were afraid of his agreeing to the proposal. You took that method before. Aye, but you say the people were anxious for peace in 1797. I say they are friends to peace now; and I am confident that you will one day acknowledge it. Believe me, they are friends to peace; although by the laws which you have made, restraining the expression of the sense of the people, publick opinion cannot now be heard as loudly and unequivocally as heretofore. But I will not go into the internal state of this country. It is too afflicting to the heart to see the strides which have been made by means of, and under the miserable pretext of this war, against liberty of every kind, both of power of speech and of writing; and to observe in another kingdom the rapid approaches to that military despotism which we affect to make an argument against peace. I know, sir, that publick opinion, if it could be collected, would be for peace, as much now as in 1797: and that it is only by publick opinion and not by a sense of their duty, or by the inclination of their minds, that ministers will be brought, if ever, to give us peace.

I conclude, sir, with repeating what I said before: I ask for no gentleman's vote who would have reprobated the compliance of ministers with the proposition of the French government. I ask for no gentleman's support to night who would have voted against ministers, if they had come down and proposed to enter into a negotiation with the French. But I have a right to ask and in honour, in consistency, in conscience, I have a right to expect, the vote of every honourable gentleman who would have voted with ministers in an address to his majesty, diametrically opposite to the motion of this night.





## MR. ERSKINE'S SPEECH,

ON THE TRIAL OF AN INFORMATION EXHIBITED *EX OFFICIO*,  
BY THE KING'S ATTORNEY GENERAL, AGAINST THOMAS  
PAINE, FOR A LIBEL UPON THE REVOLUTION AND SETTLE-  
MENT OF THE CROWN AND REGAL GOVERNMENT, AS BY LAW  
ESTABLISHED; AND ALSO UPON THE BILLS OF RIGHTS,  
LEGISLATURE, GOVERNMENT, LAWS, AND PARLIAMENT OF  
THIS KINGDOM, AND UPON THE KING. TRIED BY A SPECIAL  
JURY IN THE COURT OF KING'S BENCH, GUILDHALL, ON  
THE 18TH OF DECEMBER, 1792, BEFORE THE RIGHT  
MONOURABLE LORD KENYON.

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POSTERITY, who may study the history of our times, will learn with surprise, how strangely they were disfigured by a wild, turbulent, and wicked spirit of innovation which delighted to overturn whatever had been previously raised by the wisdom and diligence of our predecessors, or consecrated by their experiences and prejudices.

This "evil spirit" was especially intent on the demolition of the *old* and *well tried* political establishments that had gradually grown up in Europe, and to substitute in their place schemes of *new* and *fantasick* polity, resting on views of the qualities and conditions of human nature, the most idle and delusive. In France, its "tricks and devices" produced that desolating revolution which covered with the lava of its bad principles, in a greater or less degree, the other portions of the civilized world. Every country be-

came a prey to its disciples, who busied themselves in making converts and spreading *proselytism*. Not the least conspicuous of these “*architects of ruin*,” to indicate his devotion to this “*holy service*,” collected from every polluted source, materials of rancorous poison which, putting together, he prepared in a “cheap and portable form,” a most potent “compound and digest of anarchy,” and presented it as an offering to the publick, under the palatable and seductive title of the “*Rights of Man*.” This “manual of mischief,” being exactly adapted to the taste and capacity of the *low*, the *ignorant*, and *seditions*, it was read with the utmost avidity in these circles, through which it was gratuitously diffused by certain *affiliated clubs* that had assumed the province of inculcating the new code of political wisdom.

The author of the work, who had thus insulted the laws of *his country*, was prosecuted by the attorney general for a libel on the English government, and fortunately, even, at that sinister season, a jury of *Englishmen* were found sufficiently stanch, virtuous, and intrepid, to stigmatize this nefarious production by a verdict of conviction, and the culprit only escaped by flight the adequate penalty of “fine, imprisonment, and the pillory.” The jury decided at once, without leaving their box, or permitting the attorney general to reply.

The speech of Mr. Erskine, in behalf of the defendant, which is here inserted, admirably illustrates, with what plausibility a skilful and eloquent advocate will defend the *worst of causes*. As the speech contains those passages of the work which were selected by the prosecutor as libellous, it is thought unnecessary to prefix the indictment.

### SPEECH, &c.

GENTLEMEN OF THE JURY,

THE attorney general, in that part of his address which arose from a letter, supposed to have been written to him from France, exhibited signs of strong



sensibility and emotion.\* I do not, I am sure, charge him with acting a part to seduce you; on the contrary, I am persuaded from my own feelings, and from my acquaintance with my friend, from our childhood upwards, that he expressed himself as he felt. But, gentlemen, if he felt those painful embarrassments, think what mine must be: he can only feel for the august character whom he represents in this place, as a subject for his sovereign, too far removed by custom, and by law, from the intercourses which generate affections, to produce any other sentiments than those that flow from a relation common to us all. But it will be remembered, that I stand in the same relation† towards another great person, more deeply implicated by this supposed letter, who, not restrained from the cultivation of personal attachment by those qualifications which must always secure them, has exalted my duty of a subject to a prince, into a warm and honest affection between man and man. Thus circumstanced, I certainly should have been glad to have had an earlier opportunity of knowing correctly the contents of this letter, and whether, which I positively deny, it proceeded from the defendant. Coming thus suddenly upon us, I see but too plainly the impression it has made upon you who are to try the cause, and I feel its weight upon myself, who am to conduct it; but this shall neither detach me from my duty, nor, added to all the other difficulties that thicken around me, enervate me, if I can help it, in the discharge of it.

Gentlemen, if the attorney general is well founded in the commentaries he has made to you upon this book which he prosecutes, if he is warranted by the

\* Mr. Erskine here alludes to a most insolent letter which Paine addressed, while a *refugee* in France from the justice of his country, to the attorney general, which contained the following passage; "*But though you may not choose to see it, the people are seeing it very fast, and the progress is beyond what you may choose to believe, or that reason can make any other man believe that the capacity of such a man as Mr. Guelph, or any of his profligate sons, is necessary to the government of a nation.*"

† Mr. Erskine was, at the time, attorney general to the Prince of Wales.

law of England, in repressing its circulation through these realms, from the illegal and dangerous matters contained in it; if that suppression be, as he avows it, and as in common sense it must be, the sole object of the prosecution, the publick has great reason to lament that this letter should have been at all brought into the service of the cause. It is no part of the charge upon the record; it had no existence for months after the work was composed and published; it was not even written, if written at all, till after he had been at Dover, in a manner insultingly expelled from the country by the influence of government, and had become the subject of another country. It cannot, therefore, by any fair inference, even decypher the mind of the author when he composed his work; still less can it affect the construction of the language in which the work itself is written. The introduction of this letter at all is, therefore, not only a departure from the charge, but a sort of dereliction of the object of the prosecution, which is to condemn the book. For if the condemnation of the author is to be obtained, not by the work itself, but by collateral matter not even existing when it was written, nor known to its various publishers throughout the kingdom, how can a verdict upon such grounds condemn the work, or criminate other publishers, strangers to the collateral matter on which the conviction may be obtained? I maintain, therefore, that, upon every principle of sound policy, as it affects the interests of the crown, and upon every rule of justice, as it affects the author of the Rights of Man, the letter should be wholly dismissed from your consideration.

Gentlemen, the attorney general has thought it necessary to inform you, that a rumour had been spread, and had reached his ears, that he only carried on the prosecution as a publick prosecutor, but without the concurrence of his own private judgment; and therefore to add the just weight of his own character to his publick duty, and to repel what he thinks a calumny, he tells you that he should have deserved to have



been driven from society, if he had not arraigned the work and the author before you.

Here too we stand in situations very different. I have no doubt of the existence of such a rumour, and of its having reached his ears, because he says so; but for the narrow circle in which any rumour, personally implicating my learned friend's character, has extended, I might appeal to the multitudes who surround us, and ask, which of all of them, except the few connected in office with the crown, ever heard of its existence. But with regard to myself, every man who hears me at this moment, nay, the whole people of England, have been witnesses to the calumnious clamour that, by every art, has been raised and kept up against me. In every place, where business or pleasure collect the publick together, day after day my name and character have been the topicks of injurious reflection. And for what? only for not having shrunk from the discharge of a duty which no personal advantage recommended, and which a thousand difficulties repelled. But, gentlemen, I have no complaint to make, either against the printers of these libels, or even against their authors. The greater part of them, hurried perhaps away by honest prejudices may have believed they were serving their country by rendering me the object of its suspicion and contempt; and if there have been amongst them others who have mixed in it from personal malice and unkindness, I thank God I can forgive them also. Little indeed did they know me who thought that such proceedings would influence my conduct: I will for ever, at all hazards, assert the dignity, independence, and integrity of the English bar; without which, impartial justice, the most valuable part of the English constitution can have no existence. For from the moment that any advocate can be permitted to say that he will or will not stand between the crown and the subject arraigned in the court where he daily sits to practise, from that moment the liberties of England are at an end. If the advocate refuses to defend, from what he may think of

the charge or of the defence, he assumes the character of the judge; nay, he assumes it before the hour of judgment; and in proportion to his rank and reputation, puts the heavy influence of perhaps a mistaken opinion into the scale against the accused, in whose favour the benevolent principle of English law makes all presumptions, and which commands the very judge to be his counsel.

Gentlemen, it is now my duty to address myself regularly, and without digression, to the defence. And the first thing which presents itself in the discussion of a judicial subject, and indeed of every other, is to state distinctly and with precision, what the question is, and, where prejudice and misrepresentation have been exerted, to distinguish it accurately from what it is not. The question then is not whether the constitution of our fathers under which we live, under which I present myself before you, and under which alone you have any jurisdiction to hear me, be or be not preferable to the constitution of America or France, or any other human constitution. For upon what principle can a court, constituted by the authority of any government, and administering a positive system of law under it, pronounce a decision against the constitution which creates its authority; or the rule of action which its jurisdiction is to enforce? The common sense of the most uninformed person must revolt at such an absurd supposition.

I have no difficulty, therefore, in admitting, that if by accident some or all of you were alienated in opinion and affection from the forms and principles of the English government, and were impressed with the value of that unmixed representative constitution which this work recommends and inculcates, you could not on that account acquit the defendant. Nay, to speak out plainly, I freely admit, that even if you were avowed enemies to monarchy, and devoted to republicanism, you would be nevertheless bound by your oaths, as a jury sworn to administer English justice, to convict the author of the Rights of Man,



if it were brought home to your consciences, that he had exceeded those widely extended bounds which the ancient wisdom and liberal policy of the English constitution have allotted to the range of a free press. I freely concede this, because you have no jurisdiction to judge either the author or the work by any rule but by the English law, which is the source of your authority. But having made this large concession, it follows, by a consequence so inevitable as to be invulnerable to all argument or artifice, that, if on the other hand, you should be impressed, which I know you to be, not only with a dutiful regard, but with an enthusiasm for the whole form and substance of your own government; and though you should think that this work, in its circulation amongst classes of men unequal to political researches, may tend to alienate opinion, still you cannot, upon these grounds, without a similar breach of duty, convict the defendant of a libel, unless he has clearly stepped beyond that extended range of communication which the same ancient wisdom and liberal policy of the British constitution have allotted for the liberty of the press.

Gentlemen, I admit with the attorney general, that in every case where a court has to estimate the quality of a writing, the mind and intention of the writer must be taken into the account; the bona, or mala fides, as lawyers express it, must be examined. For a writing may undoubtedly proceed from a motive, and be directed to a purpose, not to be decyphered by the mere construction of the thing written. But wherever a writing is arraigned as seditious or slanderous not upon its ordinary construction in language, nor from the necessary consequences of its publication, under any circumstances and at all times, but that the criminality springs from some extrinsick matter, not visible upon the page itself; nor universally operative, but capable only of being connected with it by evidence, so as to demonstrate the effect of the publication, and the design of the publisher; such a writing not libellous *per se*, cannot be arraigned as the author of a work is arraigned upon the record

before the court. I maintain without the hazard of contradiction, that the law of England positively requires, for the security of the subject, that every charge of a libel complicated with extrinsick facts and circumstances *dehors the writing*, must appear literally upon the record, that the defendant may know what crime he is called upon to answer, and how to stand upon his defence. What crime is it that the defendant comes to answer for to day? what is the notice that I, who am his counsel, have from this parchment of the crime alleged against him? I come to defend his having written this book. The record states nothing else. The charge of sedition in the introduction is notoriously paper and packthread, and the innuendoes cannot enlarge the sense, or natural construction of the text. The record does not state any one extrinsick fact or circumstance, to render the work criminal, at one time more than another; it states no peculiarity of time or season, or intention, not proveable from the writing itself, which is the naked charge upon record. There is nothing, therefore, which, upon any principle of English law, gives you any jurisdiction, beyond the construction of the work itself; and you cannot be justified in finding it criminal because published at this time, unless it would have been a criminal publication under any circumstances, or at any other time.

The law of England then, both in its forms and substance, being the only rule by which the author or the work can be justified or condemned, and the charge upon the record being the naked charge of a libel, the cause resolves itself into a question of the deepest importance to us all: the nature and extent of the liberty of the English press.

But before I enter upon it, I wish to fulfil a duty to the defendant, which, if I do not deceive myself, is, at this moment, peculiarly necessary to his impartial trial. If an advocate entertains sentiments injurious, to the defence he is engaged in, he is not only justified, but bound in duty, to conceal them; so on the other hand, if his own genuine sentiments, or any thing connected



with his character or situation, can add strength to his professional assistance he is bound to throw them into the scale. In addressing myself, therefore, to gentlemen not only zealous for the honour of the English government, but visibly indignant at any attack upon its principles, and who would, perhaps, be impatient of arguments from a suspected quarter, I give my client the benefit of declaring, that I am, and ever have been, attached to the genuine principles of the British government; and that, however the court or you may reject the application, I defend him upon principles not only consistent with its permanence and security, but, without the establishment of which it never could have had an existence.

The proposition which I mean to maintain as the basis of the liberty of the press, and without which it is an empty sound, is this:

That every man, not intending to mislead and to confound, but seeking to enlighten others with what his own reason and conscience, however erroneously, dictate to him as truth, may address himself to the universal reason of a whole nation, either upon the subject of governments in general, or upon that of our own particular country: that he may analyse the principles of its constitution, point out its errors and defects, examine and publish its corruptions, warn his fellow citizens against their ruinous consequences, and exert his whole faculties in pointing out the most advantageous changes in establishments which he considers to be radically defective, or sliding from their object by abuse. All this, every subject of this country has a right to do, if he contemplates only what he thinks its happiness, and but seeks to change the public mind by the conviction which flows from reasonings dictated by conscience.

If, indeed, he writes what he does not think; if contemplating the misery of others, he wickedly condemns what his own understanding approves; or even admitting his real disgust against the government or its corruptions, if he calumniates living magistrates, or holds out to individuals that they have a right to run

before the publick mind in their conduct ; that they may oppose by contumacy or force what private reason only disapproves ; that they may disobey the law, because their judgment condemns it ; or resist the publick will, because they honestly wish to change it ; he is then a criminal upon every principle of rational policy, as well as upon the immemorial precedents of English justice ; because such a person seeks to dis-unite individuals from their duty to the whole, and excites to overt acts of misconduct in a part of the community, instead of endeavouring to change by the impulse of reason, that universal assent which, in this and in every country, constitutes the law for all.

I have therefore no difficulty in admitting, that if, upon an attentive perusal of this work, it shall be found that the defendant has promulgated any doctrines which tend to withdraw individuals from their subjection to the law by which the whole nation consents to be governed ; nay, if the direct contrary shall not be found to be studiously inculcated ; if his book shall be found to have warranted or excited that unfortunate criminal who appeared here yesterday to endeavour to relieve himself from imprisonment by the destruction of a prison, while the law of imprisonment remained, or dictated to him the language of defiance, which ran through his whole defence ; if throughout the whole work there shall be found any syllable or letter, which strikes at the security of property, or which hints that any thing less than the whole nation can constitute the law, or that the law, be it what it may, is not the inexorable rule of action for every individual, I willingly yield him up to the justice of the court.

Gentlemen, I say in the name of Thomas Paine, and in his words as author of the Rights of Man, as written in the very volume that is charged with seeking the destruction of property :

“ The end of all political associations is the preservation of the rights of man, which rights are liberty, property, and security ; that the nation is the source



of all sovereignty derived from it: the right of property being secured and inviolable, no one ought to be deprived of it, except in cases of publick necessity, legally ascertained and on condition of a previous just indemnity."

These are undoubtedly the rights of man, the the rights for which all governments are established, and the only rights Mr. Paine contends for; but which he thinks, no matter whether right or wrong, are better to be secured by a republican constitution than by the forms of the English government. He instructs me to admit, that when government is once constituted, no individuals, without rebellion, can withdraw their obedience from it—that all attempts to excite them to it are highly criminal, for the most obvious reasons of policy and justice—that nothing short of the will of the whole people can change or affect the rule by which a nation is to be governed—and that no private opinion, however honestly, inimical to the forms or substance of the law, can justify resistance to its authority, while it remains in force. The author of the Rights of Man not only admits the truth of all this doctrine, but he consents to be convicted and I also consent for him, unless his work shall be found studiously and painfully to inculcate these great principles of government which it is charged to have been written to destroy. Let me not, therefore, be suspected to be contending, that it is lawful to write a book pointing out defects in the English government, and exciting individuals to destroy its sanctions, and to refuse obedience. But, on the other hand, I do contend that it is lawful to address the English nation on these momentous subjects; for had it not been for this unalienable right, thanks be to God and our fathers for establishing it, how should we have had this constitution which we so loudly boast of? If, in the march of the human mind, no man could have gone before the establishments of the times he lived in, how could our establishment, by reiterated changes, have become what it is? If no man could have awakened the publick mind to errors and abuses in our government,

how could it have passed on from stage to stage, through reformation and revolution, so as to have arrived from barbarism to such a pitch of happiness and perfection that the attorney general considers it as profanation to touch it any further, or to look for any future amendment.

In this manner power has reasoned in every age. Government, in its *own estimation*, has been at all times a system of perfection; but a free press has examined and detected its errors, and the people have happily reformed them; this freedom has alone made our government what it is, and alone can preserve it; and therefore, under the banners of that freedom, to day I stand up to defend Thomas Paine. But how, alas! shall this task be accomplished? How may I expect from you what human nature has not made man for the performance of? How am I to address your reasons, or ask them to pause, amidst the torrent of prejudice which has hurried away the publick mind on the subject you are to judge?

Was any Englishman ever so brought as a criminal before an English court of justice? If I were to ask you, gentlemen of the jury, which is the choicest fruit that grows upon the tree of English liberty, you would answer, *security under the law*. If I were to ask the whole people of England, the return they looked for at the hands of government, for the burthens under which they bend to support it, I should still be answered, *security under the law*; or, in other words, an impartial administration of justice. So sacred, therefore, has the freedom of trial been ever held in England; so anxiously does justice guard against every possible bias in her path, that if the publick mind has been locally agitated upon any subject in judgment, the forum is either changed, or the trial postponed. The circulation of any paper that brings, or which can be supposed to bring, prejudice, or even well founded knowledge, within the reach of a British tribunal, on the spur of an occasion, is not only highly criminal, but defeats itself, by



leading to put off the trial which its object was to pervert. On this principle, his lordship will permit me to remind him, that on the trial of the dean of St. Asaph for a libel, or rather when he was brought to trial, the circulation of books by a society favourable to his defence, was held by the noble lord, as chief justice of Chester, to be a reason for not trying the cause; although they contained no matter relative to the dean, nor to the object of his trial, being only extracts from ancient authors of high reputation, on the general rights of juries to consider the innocence as well as the guilt of the accused; yet still, as the recollection of these rights was pressed forward with a view to affect the proceedings, to guard the principle, the proceedings were postponed.

Is the defendant then to be the only exception to these admirable provisions! Is the English law to judge him, stript of the armour with which its universal justice encircles all others? Shall we in the very act of judging him for detracting from the English government, furnish him with ample matter for just reprobation, instead of detraction? Has not his cause been prejudged through a thousand channels? Has not the work before you been daily publicly reviled, and his person held up to derision and reproach? Has not the publick mind been excited, by crying down the very phrase and idea of the rights of man? Nay have not associations of gentlemen, I speak it with regret, because I am persuaded, from what I know of some of them, that they thought they were serving the publick; yet have they not, in utter contempt and ignorance of that constitution of which they declare themselves to be the guardians, published the grossest attacks upon the defendant? Have they not, even while the cause has been standing here in the paper for immediate trial, published a direct protest against the very work now before you; advertising in the same paper, though under the general description of seditious papers, a reward on the conviction of any person who shall dare to sell the book itself, to which their own publication

was an answer?—The attorney general has spoken of a forced circulation of this work ; but how have these prejudging papers been circulated ? We all know how. They have been thrown into our carriages in every street ; they have met us at every turnpike ; and they lie in the areas of all our houses. To complete the triumph of prejudice, that high tribunal of which I have the honour to be a member (my learned friends know what I say to be true) has been drawn into this vortex of slander ; and some of its members, for I do not speak of the house itself, have thrown the weight of their stations into the same scale.

By all means I maintain that this cause has been prejudged.

It may be said, that I have made no motion to put off the trial for these causes, and that courts of themselves take no cognizance of what passes elsewhere, without facts laid before them. Gentlemen, I know that I should have had equal justice from that quarter, if I had brought myself within the rule. But when should I have been better in the present aspect of things ? And therefore I only remind you of all these hardships that you may recollect that your judgment is to proceed upon that alone which meets you here, upon the evidence in the cause, and not upon suggestions destructive of every principle of justice.

Having disposed of these foreign prejudices, I hope you will as little regard some arguments that have been offered to you in court. The letter which has been so repeatedly pressed upon you, you ought to dismiss even from your recollection. I have already put it out of the question, as having been written long subsequent to the book, and as being a libel on the king, which no part of the information charges, and which may hereafter be prosecuted as a distinct offence. I consider that letter besides, and indeed have always heard it treated as a forgery, contrived to injure the merits of the cause, and to embarrass me personally in its defence. I have a right so to consider it, because it is unsupported by any thing similar at an earlier period. The defendant's whole



deportment, previous to the publication, has been wholly unexceptionable; he properly desired to be given up as the author of the book, if any inquiry should take place concerning it; and he is not affected in evidence, directly or indirectly, with any illegal or suspicious conduct, not even with having uttered an indiscreet or taunting expression, nor with any one matter or thing, inconsistent with the duty of the best subject in England. His opinions, indeed, were adverse to our system; but I maintain that opinion is free, and that conduct alone is amenable to the law.

You are next desired to judge of the author's mind and intention, by the modes and extent of the circulation of the work. The first part of the Rights of Man, Mr. Attorney General tells you, he did not prosecute, although it was in circulation through the country for a year and a half together, because it seems it circulated only amongst what he styles the judicious part of the publick, who possessed in their capacities and experience an antidote to the poison; but that with regard to the second part now before you, its circulation has been forced into every corner of society; had been printed and reprinted for cheapness even upon whited brown paper, and had crept into the very nurseries of children as a wrapper for their sweetmeats.

In answer to this statement, which after all stands only upon Mr. Attorney General's own assertion, unsupported by any kind of proof (no witness having proved the author's personal interference with the sale) I still maintain, that if he had the most anxiously promoted it, the question would remain exactly the same. The question would still be, whether at the time when Paine composed his work, and promoted the most extensive purchase of it, he believed or disbelieved what he had written, and whether he contemplated the happiness or misery of the English nation to which it is addressed, and which ever of these intentions may be evidenced to your judgments upon reading the book itself, I confess I am utterly

at a loss to comprehend how a writer can be supposed to mean something different from what he has written, by an anxiety, common I believe to all authors, that his work should be generally read.

Remember I am not asking your opinions of the doctrines themselves. You have given them already pretty visibly since I began to address you: but I shall appeal not only to you, but to those who, without our leave, will hereafter judge without appeal of all that we are doing to day; whether upon the matter which I hasten to lay before you, you can refuse in justice to pronounce, that from his education; from the incidents and habits of his life; from the time and occasion of the publication; from the circumstances attending it; and from every line and letter of the work itself, and all his other writings, before and *even since*, his conscience and understanding (no matter whether erroneously or not) were deeply and solemnly impressed with the matters contained in his book. That he addressed it to the reason of the nation at large, and not to the passions of individuals, and that in the issue of its influence, he contemplated only what appeared to him, though it may not to us, to be the interest and happiness of England, and of the whole human race. In drawing the one or the other of these conclusions, the book stands first in order, and it shall now speak for itself.

Gentlemen, the whole of it is in evidence before you; the particular parts arraigned having only been read by my consent, upon the presumption that on retiring from the court, you would carefully compare them with the context, and all the parts with the whole viewed together. You cannot indeed do justice without it. The most common letter, even in the ordinary course of business, cannot be read in a cause to prove an obligation for twenty shillings without the whole being read, that the writer's meaning may be seen without deception. But in a criminal charge of only four pages and a half, out of a work containing nearly two hundred, you cannot with



even the appearance of common justice, pronounce a judgment without the most deliberate and cautious comparison. I observe that the noble and learned judge confirms me in this observation. But if any given part of a work be legally explanatory of every other part of it, the preface, a *fortiori*, is the most material, because the preface is the author's own key to his writing. It is there that he takes the reader by the hand, and introduces him to his subject; it is there that the spirit and intention of the whole is laid before him by way of prologue. A preface is meant by the author as a clue to ignorant or careless readers. The author says by it to every man who chooses to begin where he ought, look at my plan; attend to my distinctions; mark the purpose and limitations of the matter I lay before you.

Let then the calumniators of Thomas Paine now attend to his preface, where, to leave no excuse for ignorance or misrepresentation, he expresses himself thus :

“ I have differed from some professional gentlemen on the subject of prosecutions, and I since find they are falling into my opinion, which I will here state as fully, but as concisely as I can.

“ I will first put a case with respect to any law, and then compare it with a government, or with what in England is, or has been, called a constitution.

“ It would be an act of despotism, or what in England is called arbitrary power, to make a law to prohibit investigating the principles, good or bad, on which such a law, or any other is founded.

“ If a law be bad, it is one thing to oppose the practice of it, but it is quite a different thing to expose its errors, to reason on its defects, and to show cause why it should be repealed, or why another ought to be substituted in its place. I have always held it an opinion, making it also my practice, that it is better to obey a bad law, making use at the same time of every argument to show its errors and procure its repeal, than forcibly to violate it: because the precedent of breaking a bad law might weaken the force, and

lead to a discretionary violation of those which are good.

“The case is the same with principles and forms of government, or to what are called constitutions and the parts of which they are composed.

“It is for the good of nations, and not for the emolument or aggrandizement of particular individuals, that government ought to be established, and that mankind are at the expense of supporting it. The defects of every government and constitution, both as to principle and form must, on a parity of reasoning, be as open to discussion as the defects of a law, and it is a duty which every man owes to society to point them out? When those defects and the means of remedying them are generally seen by a nation, that nation will reform its government or its constitution in the one case, as the government repealed or reformed the law in the other.”

Gentlemen, you must undoubtedly wish to deal with every man who comes before you in judgment, as you would be dealt by yourselves; and surely you will not lay it down to day as a law to be binding hereafter, even upon yourselves, that if you should publish any opinion concerning the existing abuses in your country's government, and point out to the whole publick the means of amendment, you are to be acquitted or convicted as any twelve men may happen to agree with you in your opinions. Yet this is precisely what you are asked to do to another. It is precisely the case before you. Mr. Paine expressly says, I obey a law until it is repealed; obedience is not only my principle but my practice, since my disobedience of a law, from thinking it bad, might apply to justify another man in the disobedience of a good one; and thus individuals would give the rule for themselves, and not society for all.

Gentlemen, you will presently see that the same principle pervades the rest of the work; and I am the more anxious to call your attention to it, however repetition may tire you, because it unfolds the whole tenour of my argument: for if you find a sentence



in the whole book that invests any individual, or any number of individuals, or any community short of the whole nation, with a power of changing any part of the law or constitution, I abandon the cause. Yes, I freely abandon it, because I will not affront the majesty of a court of justice by maintaining propositions which, even upon the surface of them are false. Mr. Paine, p. 162—168, goes on thus :

“ When a nation changes its opinion and habits of thinking, it is no longer to be governed as before ; but it would not only be wrong, but bad policy, to attempt by force what ought to be accomplished by reason. Rebellion consists in forcibly opposing the general will of a nation, whether by a party or by a government. There ought, therefore, to be in every nation, a method of occasionally ascertaining the state of publick opinion with respect to government.

“ There is, therefore, no power, but the voluntary will of the people that has a right to act in any matter respecting a general reform ; and, by the same right that two persons can confer on such a subject a thousand may. The object in all such preliminary proceedings is to find out what the general sense of a nation is, and to be governed by it. If it prefer a bad or defective government to a reform, or choose to pay ten times more taxes than there is any occasion for, it has a right so to do ; and so long as the majority do not impose conditions on the minority different from what they impose on themselves, though there may be much error, there is no injustice ; neither will the error continue long. Reason and discussion will soon bring things right, however wrong they may begin. By such a process no tumult is to be apprehended. The poor in all countries, are naturally both peaceful and grateful in all reforms, in which their interest and happiness are included. It is only by neglecting and rejecting them that they become tumultuous.”

Gentlemen, these are the sentiments of the author of the Rights of Man ; and, whatever his opinions may be of the defects in our government, it never can change our sentiments concerning it, if our senti-

ments are just; and a writing can never be seditious in the sense of the English law, which states that the government leans on the universal will for its support.

Gentlemen, this universal will is the best and surest title which his majesty and his family have to the throne of these kingdoms; and in proportion to the wisdom of our institutions the title must, in common sense become the stronger. So little idea, indeed, have I of any other, that in my place in parliament, not a week ago, I considered it as the best way of expressing my attachment to the constitution, as established at the revolution, to declare, I believe in the presence of the heir apparent of the crown, for whom I have the greatest personal zeal, that his majesty reigned in England, by choice and consent, as the magistrate of the English people; not indeed a consent and choice by personal election, like a king of Poland, the worst of all possible constitutions; but by the election of a family for great national objects, in defiance of that hereditary right, which only becomes tyranny, in the sense of Mr. Paine, when it claims to inherit a nation, instead of governing by their consent, and continuing for its benefit.

Gentlemen, this sentiment has the advantage of Mr. Burke's high authority, who says with great truth, in a letter to his constituents, "Too little dependence cannot be had at this time of day on names and prejudices. The eyes of mankind are opened; and communities must be held together by a visible and solid interest." I believe, gentlemen of the jury, that the prince of Wales will always render this title dear to the people. The attorney general can only tell you what he believes of him: I can tell you what I know and what I am bound to declare, since this prince may be traduced and calumniated in every part of the kingdom, without its coming often in question, till brought in to load a defence with matter collateral to the charge. I therefore assert what the attorney general can only hope, that whenever that prince shall come to the throne of this country, which I trust, but



by the course of nature, will never happen, he will make the constitution of Great Britain the foundation of all his conduct.

Having now, gentlemen, established the author's general intention by his own introduction which is the best and fairest exposition, let us next look at the occasion which gave it birth.

The attorney general, throughout the whole course of his address to you (I knew it would be so) has avoided the most distant notice or hint of any circumstance having led to the appearance of the author in the political world, after a silence of so many years. He has not even pronounced, or even glanced at the name of Mr. Burke, but has left you to take it for granted that the defendant volunteered this delicate and momentous subject; and that without being led to it by the provocation of political controversy, he had seized a favourable moment to stigmatize, from mere malice, and against his own confirmed opinions, the constitution of this country.

Gentlemen, my learned friend knows too well my respect and value for him to suppose that I am charging him with a wilful suppression. I know him to be incapable of it. He knew it would come from me. He will permit me, however, to lament that it should have been left for me, at this late period of the cause, to inform you, that, not only the work before you, but the first part, of which it is a natural continuation, were written avowedly, and upon the face of them, *in answer to Mr. Burke*. They were written besides under circumstances which I shall hereafter explain, and in the course of which explanation I may have occasion to cite a few passages from the works of that celebrated person. And I shall speak of him with the highest respect: for, with whatever contempt he may delight to look down upon my humble talents, however he may disparage the principles which direct my publick conduct, he shall never force me to forget the regard which this country owes to him for the writings which he has left upon record for the illumination of our most distant posterity. After the gra-

titude which we owe to God for the divine gifts of reason and understanding, our next thanks are due to those from the fountain of whose enlightened minds they are fed and fructified. But pleading as I do the cause of freedom of opinions, I shall not give offence by remarking that this great author has been thought to have changed some of his; and, if Thomas Paine had not thought so, I should not now be addressing you, because the book which is my subject would never have been written. Who is right and who is wrong, in the contention of doctrines, I have repeatedly disclaimed to be the question. I can only say that Mr. Paine may be right throughout; but that Mr. Burke cannot. Mr. Paine has been uniform in his opinions; but Mr. Burke has not. Mr. Burke can only be right in part; but, should Mr. Paine be even mistaken in the whole, still I am not removed from the principle of his defence. My defence has nothing to do with the rectitude of his doctrines. I admit Mr. Paine to be a republican. You will soon see what made him one. I do not seek to shade or qualify his attack upon our constitution. I put my defence on no such matter. He undoubtedly means to declare it to be defective in its forms, and contaminated with abuses, which in his judgment, will one day or other bring on the ruin of us all. It is in vain to mince the matter, this is the scope of his work. But still if it contains no attack upon the king's majesty, nor upon any other living magistrate; if it excites to no resistance to magistracy; but on the contrary, if it ever inculcates, as it does, obedience to government, then, whatever may be its defects, the question continues as before, and ever must remain an unmixed question of the liberty of the press. I therefore considered it as no breach of professional duty, nor injurious to the cause I am defending, to express my own admiration of the real principles of our constitution; a constitution which I hope never to see give way to any other; a constitution which has been productive of various benefits, and which will produce many more hereafter, if we



have wisdom enough to pluck up those weeds that grow in the richest soils amongst the brightest flowers. I agree with the merchants of London, that the English government is equal to the reformation of its own abuses, and, as an inhabitant of the city, I would have signed their declaration, if I had known of my own knowledge, the facts recited in its preamble. But abuses the English constitution unquestionably has, which call loudly for reformation, the existence of which has been the theme of our greatest statesmen, which have too plainly formed the principles of the defendant, and created the very conjuncture which produced this book.

Gentlemen, we all but too well remember the calamitous situation in which our country stood but a few years ago; a situation which no man can look back upon without horror, nor feel himself safe from relapsing into again, while the causes remain that produced it. The event I allude to, you must know to be the American war, and the still existing causes of it, the corruptions of this government. In those days it was not thought virtue by the patriots of England to conceal their existence from the people; but then, as now, authority condemned them as disaffected subjects, and defeated the ends they sought by their promulgation.

Hear the opinion of Sir George Saville; not his speculative opinion concerning the structure of our government in the abstract, but his opinion of the settled abuses which prevailed in his own time, and which continue at this moment. But first let me remind you who Sir George Saville was. I fear we shall hardly look upon his like again. How shall I describe him to you?—In my own words I cannot. I was lately commended by Mr. Burke, in the house of commons, for strengthening my own language by an appeal to Dr. Johnson. Were the honourable gentleman present at this moment, he would no doubt doubly applaud my choice in resorting to his own works for the description of Sir George Saville.

“ His fortune is among the largest; a fortune, which wholly unincumbered as it is, without one single charge from luxury, vanity, or excess, sinks under the benevolence of its dispenser. This private benevolence expanding itself into patriotism, renders his whole being the estate of the publick, in which he has not reserved a *peculium* for himself of profit, diversion, or relaxation. During the session the first in, and the last out of the house of commons; he passes from the senate to the camp; and, seldom seeing the seat of his ancestors, he is always in parliament to serve his country, or in the field to defend it.”

It is impossible to ascribe to such a character any principle but patriotism, when he expresses himself as follows :

“ I return to you baffled and dispirited. I am sorry that truth obliges me to add with hardly a ray of hope of seeing any change in the miserable course of publick calamities.”

“ On this melancholy day of account; in rendering up to you my trust I deliver to you your share of a country maimed and weakened; its treasure lavished and mispent; its honours faded; and its conduct the laughing stock of Europe. Our nation in a manner without allies or friends, except such as we have hired to destroy our fellow subjects, and to ravage a country in which we once claimed an invaluable share. I return to you some of your principal privileges impeached and mangled. And, lastly, I leave you, as I conceive, at this hour and moment fully, effectually, and absolutely under the discretion and power of a military force, which is to act without waiting for the authority of the civil magistrate.

“ Some have been accused of exaggerating the publick misfortunes: nay, of having endeavoured to help forward the mischief that they might afterwards raise discontents. I am willing to hope, that neither my temper, nor my situation in life, will be thought naturally to urge me to promote misery, discord, or



confusion, or to exult in the subversion of order, or in the ruin of property. I have no reason to contemplate with pleasure the poverty of our country, the increase of our debts, and of our taxes or the decay of our commerce. Trust not, however, to my report. Reflect, compare, and judge for yourselves.

“But under all these disheartening circumstances, I could yet entertain a cheerful hope, and undertake again the commission with alacrity, as well as zeal, if I could see any effectual steps taken to remove the original cause of the mischief. ‘Then would there be a hope.’”

“But till the purity of the constituent body, and thereby that of the representative, be restored, there is none.

“I gladly embrace this most publick opportunity of delivering my sentiments, not only to all my constituents, but to those likewise not my constituents, whom yet, in the large sense, I represent, and am faithfully to serve.

“I look upon restoring election and representation in some degree (for I expect no miracles) to their original purity, to be that without which all other efforts will be vain and ridiculous.

“If something be not done, you may, indeed, retain the outward form of your constitution, but not the power thereof.”

Such were the words of that great, good man, lost with those of many others of his time, and his fame as far as power could hurt it, put in the shade along with them. The consequences we have all seen and felt. America, from an obedient affectionate colony, became an independent nation, and two millions of people, nursed in the very lap of our monarchy, became the willing subjects of a republican constitution.

Gentlemen, in that great and calamitous conflict, Mr. Burke and Mr. Paine fought in the same field of reason together; but with very different success. Mr. Burke spoke to a parliament in England, such as sir George Saville describes it, that had no ears but for sounds that flattered its corruption. Mr.

Paine, on the other hand, spoke to a people; reasoned with them, that they were bound by no subjection to any sovereignty further than their own benefits connected them; and by these powerful arguments prepared the minds of the American people for that glorious, just, and happy revolution.

Gentlemen, I have a right to distinguish it by that appellation, because I aver that at this moment there is as sacred a regard to property, as inviolable a security to all the rights of individuals; lower taxes; fewer grievances; less to deplore, and more to admire, in the constitution of America, than that of any other country under heaven. I wish, indeed, to except our own, but I cannot even do that, till it shall be purged of those abuses which though they obscure and deform the surface, have not as yet, thank God, destroyed the vital parts.

Why then is Mr. Paine to be calumniated, and reviled, because out of a people consisting of near three millions, he alone did not remain attached in opinion to a monarchy. Remember, that all the blood which was shed in America, and to which he was for years a melancholy and indignant witness, was shed by the authority of the crown of Great Britain, under the influence of its parliament, such as sir George Saville has described it, and such as Mr. Burke himself will be called upon by and by in more glowing colours to paint it. How then can it be wondered at that Mr. Paine should return to this country in his heart a republican? Was he not equally republican when he wrote *Common Sense*? yet that volume has been sold without restraint or prosecution in every shop in England ever since, and which nevertheless (I appeal to the book, which I have in court, and which is in every body's hands) contains every one principle of government, and every abuse in the British constitution, which is to be found in the rights of man. Yet Mr. Burke himself saw no reason to be alarmed at its publication, nor to cry down its contents, even when America, which was swayed by it, was in arms against the crown of



Great Britain. You shall hear his opinion of it in his letter to the sheriffs of Bristol, pages 33 and 34.

“The Court Gazette accomplished what the abettors of independence had attempted in vain. When that disingenuous compilation, and strange medly of railing and flattery was adduced, as a proof of the united sentiments of the people of Great Britain, there was a great change throughout all America. The tide of popular affection, which had still set towards the parent country, began immediately to turn, and to flow with great rapidity in a contrary course. Far from concealing these wild declarations of enmity, the author of the celebrated pamphlet which prepared the minds of the people for independence, insists largely on the multitude and the spirit of these addresses; and draws an argument from them, which (if the fact were as he supposes) must be irresistible. For I never knew a writer on the theory of government so partial to authority, as not to allow, that the hostile mind of the rulers to their people, did fully justify a change of government; nor can any reason whatever be given why one people should voluntarily yield any degree of preeminence to another, but on a supposition of great affection and benevolence towards them. Unfortunately your rulers, trusting to other things, took no notice of this great principle of connexion.”

But there is a time, it seems, for all things.

Gentlemen, the consequences of this mighty revolution are too notorious to require illustration. No audience would sit to hear, what every body has seen and felt, the independence of America notoriously produced, not by remote and circuitous effect, but direct and palpably, the revolutions which now agitate Europe, and which portend such new changes over the face of the earth. Let governours take warning. The revolution in France was the consequence of her incurably corrupt and profligate government. God forbid that I should be thought to lean, by this declaration, upon her unfortunate monarch, bending, perhaps, at this moment, under afflictions

which my heart sinks within me to think of; but, when I speak with detestation of the former politicks of the French court, I fasten as little of them upon that fallen and unhappy prince, as I impute to our gracious sovereign the corruptions of our own government. I desire, indeed, in the distinctest manner to be understood, that I mean to speak of his majesty, not only with that obedience and duty which I owe to him as a subject, but with that justice which I think is due to him from all men who examine his conduct either in publick or private life.

Gentlemen, Mr. Paine happened to be in England when the French revolution took place, and notwithstanding what he must be supposed and allowed from his history to have felt upon such a subject, he remained wholly silent and inactive. The people of this country too appeared to be indifferent spectators of the animating scene. They saw, without visible emotion, despotism destroyed, and the king of France, by his own consent, become the first magistrate of a free people. Certainly, at least, it produced none of those effects which are so deprecated by government at present; nor, most probably, ever would, if it had not occurred to the celebrated person, whose name I must so often mention, voluntarily to provoke the subject; a subject which, if dangerous to be discussed, he should not have led to the discussion; for, surely, it is not to be endured, that any private man is to publish a creed for a whole nation; to tell us that we are not to think for ourselves; to impose his own fetters upon the human mind; to dogmatize at discretion; and that no man shall sit down to answer him without being guilty of a libel. I assert, that if it be a libel to mistake our constitution; to support it by means that tend to destroy it; and to choose the most dangerous season for the interference, Mr. Burke is that libeller; but not therefore, the object of a criminal prosecution. For, whilst I am defending the motives of one man, I have neither right nor disposition to criminate the motives of another. All I contend for, is a fact that can-



not be controverted, namely, that this officious interference was the origin of Mr. Paine's book. I put my cause upon its being the origin of it, the avowed origin, as will abundantly appear from the introduction and preface to both parts, and throughout the whole body of the work; nay, from the very work of Mr. Burke himself, to which both of them are answers.

Gentlemen, for the history of that celebrated work, I appeal to itself.

When the French revolution had arrived at some of its early stages, a few, and but a few persons, not to be named when compared with the nation, took a visible interest in these mighty events; an interest well worthy of Englishmen. They saw a pernicious system of government which had led to cruel desolating wars, and had been for ages the scourge of Great Britain, giving way to a system which seemed to promise harmony and peace amongst the nations. They saw this with virtuous and peaceable satisfaction: and a reverend divine,\* eminent for his eloquence, recollecting that the issues of life are in the hands of God, saw no prophaneness in mixing the subject with public thanksgiving; reminding the people of this country of their own glorious deliverance in former ages. It happened also, that a society of gentlemen, France being then a neutral nation, and her own monarch swearing, almost daily, upon her altars to maintain the new constitution, thought they infringed no law by sending a general congratulation. Their numbers indeed, were very inconsiderable; so much so that Mr. Burke, with more truth than wisdom, begins his volume with a sarcasm upon their insignificance.

"Until very lately he had never heard of such a club. It certainly never occupied a moment of his thoughts; nor, he believed, those of any person out of their own set."

Why then make their proceedings the subject of alarm throughout England? There had been no prosecution against them nor any charge founded

\* Dr. Price.

upon suspicion of disaffection against any of their body. But Mr. Burke thought it was reserved for his eloquence to whip these curs of faction to their kennels. How he has succeeded, I appeal to all that has happened since the introduction of his schism in the British empire, by giving to the king, whose title was questioned by no man, a title which it is his majesty's most solemn interest to disclaim.

After having, in his first work, lashed Dr. Price in a strain of eloquent irony for considering the monarchy to be elective, which he could not but know Dr. Price, in the literal sense of election, neither did nor could possibly consider it, Mr. Burke published a second treatise, in which after reprinting many passages from Mr. Paine's former work, he ridicules and denies the supposed right of the people to change their government, in the following words :

“ The French revolution, say they,” speaking of the English societies, “ was the act of the majority of the people ; and if the majority of any other people, the people of England for instance, wish to make the same change, they have the same right. Just the same undoubtedly, that is none at all.”

And then after speaking of the subserviency of will to duty, in which I agree with him, he in a subsequent sentence, maintains the same doctrine ; thus :

“ The constitution of a country being once settled upon some compact, tacit or expressed, there is no power existing of force to alter it, without the breach of the covenant, or the consent of all the parties. Such is the nature of a contract.”

So that if reason, or even revelation itself, were now to demonstrate to us that our constitution was mischievous in its effects ; that, to use Mr. Attorney General's expression, we had been insane for the many centuries we have supported it ; yet that still, if the king had not forfeited his title to the crown, nor the lords their privileges, the universal voice of the whole people of England could not build up a new government upon a legitimate basis.



Gentlemen, not to argue for the present against such a proposition, and supposing it could, beyond all controversy, be maintained; for Heaven's sake, let wisdom never utter it! Let policy and prudence for ever conceal it! If you seek the stability of the English government, rather put the book of Mr. Paine, which calls it bad, into every hand in the kingdom, than doctrines which bid human nature rebel even against that which is the best. Say to the people of England, Look at your constitution, there it lies before you, the work of your pious fathers, handed down as a sacred deposit from generation to generation, the result of wisdom and virtue, and its parts cemented together with kindred blood. There are, indeed, a few spots upon its surface; but the same principle which reared the structure will brush them all away. You may keep it or you may destroy it. To such an address, what would be the answer? A chorus of the nation—*Yes, we will preserve it.* But say to the same nation, even of the very same constitution, it is yours, such as it is, for better or for worse; it is strapped upon your backs, to carry it as beasts of burthen, and you have no jurisdiction to cast it off. Let this be your position, and you instantly raise up (I appeal to every man's consciousness of his own nature) a spirit of uneasiness and discontent. Yet it is the controversy alone, which this useless and mischievous proposition stirred up, that has pointed most of the passages arraigned before you, which it will be presently my duty to explain.

But let the prudence of the argument be what it may, the argument itself is untenable.

His majesty undoubtedly was not elected to the throne. No man can be supposed, in the teeth of fact to have contended it; but did not the people of England elect king William, and break the hereditary succession! and does not his majesty's title grow out of that election? It is one of the charges against the defendant, his having denied the parliament which called the prince of Orange to the throne to have been a legal convention of the whole people; and is not the

very foundation of that charge, that it was such a legal convention, and that it was intended to be so? and if it was so, did not the people confer the crown upon king William without any regard to hereditary right? Did they not cut off the prince of Wales, who stood directly in the line of succession, and who had incurred no personal forfeiture? Did they not give their deliverer an estate in the crown totally new and unprecedented in the law or history of their country? And lastly might they not, by the same authority have given the royal inheritance to the family of a stranger? Mr. Justice Blackstone in his Commentaries, in terms, asserts that they might; and ascribes their choice of king William and the subsequent limitations of the crown, not to want of jurisdiction, but to their true origin, to prudence and discretion in not disturbing a valuable institution further than publick safety and necessity dictated.

The English government stands then on this publick consent, the true root of all governments. And I agree with Mr. Burke, that, while it is well administered, it is not in the power of faction or libels to disturb it; though when ministers are in fault, they are sure to set down all disturbances to these causes. This is most justly and eloquently exemplified in the "Thoughts on the cause of the present Discontents," pages 5 and 6.

"Ministers contend that no adequate provocation has been given for so spreading a discontent, our affairs having been conducted throughout with remarkable temper and consummate wisdom. The wicked industry of some libellers, joined to the intrigues of a few disappointed politicians have, in their opinion, been able to produce this unnatural ferment in the nation.

"Nothing, indeed, can be more unnatural than the present convulsions of this country, if the above account be a true one. I confess I shall assent to it with great reluctance, and only on the compulsion of the clearest and firmest proofs; because their account resolves itself into this short but discouraging propo-



sition. That we have a very good ministry, but that we are a very bad people; that we set ourselves to bite the hand that feeds us; and with a malignant insanity, oppose the measures, and ungratefully vilify the persons of those whose sole object is our own peace and prosperity. If a few puny libellers, acting under a knot of factious politicians, without virtue, parts, or character (for such they are constantly represented by these gentlemen) are sufficient to excite this disturbance, very perverse must be the disposition of that people, amongst whom such a disturbance can be excited by such means."

He says true: never were serious disturbances excited by such means!

But to return to the argument. Let us now see how the rights of the people stand upon authority, and whether this great source of government is not maintained by persons on whom my friend will find it hard to fasten the character of libellers.

I shall begin with the most modern author on the subject of government; a gentleman whose work lies spread out before me, as it often does for my delight and instruction in my leisure hours. I have also, by the favour of a friend who sits near me in court, the honour of his personal acquaintance. He is a man, perhaps more than any other, devoted to the real constitution of the country, as will be found throughout his valuable work; and he is a person, besides, of great learning, which enabled him to infuse much useful knowledge into my learned friend who introduced me to him.\* I speak of Mr. Paley, archdeacon of Carlisle, and of his work, entitled, *The Principles of political and moral Philosophy*, in which he investigates the first principles of all governments; a discussion not thought dangerous till lately: and I hope we shall soon get rid of this ridiculous panick.

Mr. Paley professes to think of governments what the christian religion was thought of by its first teachers. "If it be of God it will stand:" and he

\* Mr. Law, now Lord Ellenborough.

puts the duties of obedience to them upon free will and moral duty. After dissenting from Mr. Locke as to the origin of governments in compact, he says, "Wherefore rejecting the intervention of a compact as unfounded in its principle, and dangerous in the application, we assign for the only ground of the subject's obligation, *the will of God, as collected from expediency.*

"The steps by which the argument proceeds are few and direct. It is the will of God that the happiness of human life be promoted:"—this is the first step and the foundation, not only of this, but of every moral conclusion. Civil society conduces to that end: this is the second proposition. Civil societies cannot be upheld, unless in each the interest of the whole society be binding upon every part and member of it: this is the third step and conducts us to the conclusion, namely, That so long as the interest of the whole society requires it, that is, so long as the established government cannot be resisted or changed without publick inconvenience, it is the will of God (which will universally determines our duty) that the established government be obeyed, and no longer.

"But who shall judge of this? We answer every man for himself." In contentions between the sovereign and the subject, the parties acknowledge no common arbitrator; and it would be absurd to commit the decision to those whose conduct has provoked the question, and whose own interest, authority, and fate, are immediately concerned in it. The danger of error and abuse is no objection to the rule of expediency, because every other rule is liable to the same or greater; and every rule that can be propounded upon the subject, like all rules which appeal to, or bind the conscience, must in the application, depend upon private judgment. It may be observed, however, that it ought equally to be accounted the exercise of a man's private judgment, whether he determines by reasonings and conclusions of his own, or submits to be directed by the advice of others, provided he be free to choose his guide."



He then proceeds in a manner rather inconsistent with the principles entertained by my learned friend in his opening to you.

“No usage, law, or authority whatever, is so binding, that it need or ought to be continued when it may be changed with advantage to the community. The family of the prince, the order of succession, the prerogative of the crown, the form and parts of the legislature, together with the respective powers, offices, duration, and mutual dependency of the several parts, are all only so many laws, mutable, like other laws, whenever expediency requires, either by the ordinary act of the legislature, or, if the occasion deserve it, by the interposition of the people.”

No man can say that Mr. Paley intended to diffuse discontent by this declaration. He must therefore be taken to think with me, that freedom and affection, and the sense of advantages, are the best and the only supports of government. On the same principle, he then goes on to say,—“These points are wont to be approached with a kind of awe; they are represented to the mind as principles of the constitution, settled by our ancestors, and being settled, to be no more committed to innovation or debate; as foundations never to be stirred; as the terms and conditions of the social compact, to which every citizen of the state has engaged his fidelity, by virtue of a promise which he cannot now recall. Such reasons have no place in our system.”

Such are the sentiments of this excellent author, and there is no part of Mr. Paine's work, from the one end of it to the other, that advances any other proposition.

But the attorney general will say, these are the grave speculative opinions of a friend to the English government, whereas Mr. Paine is its professed enemy. What then? The principle is that every man, while he obeys the laws, is to think for himself, and to conduct himself as he thinks. The very ends of society exact this license, and the policy of the law in its provisions for its security, has tacitly sanctioned it.

The real fact is, that writings against a free and well proportioned government, need not be guarded against by laws. They cannot often exist, and never with effect. The just and awful principles of society, are rarely brought forward, but when they are insulted and denied, or abused in practice. Mr. Locke's essay on government, we owe to sir Robert Filmer, as we owe Mr Paine's to Mr. Burke; and indeed, between the arguments of Filmer and Burke, I see no essential difference; since it is not worth disputing, whether a king exists by divine right or indissoluble human compact. If he exists whether we will or no; if his existence be without our consent, and continue without our benefit, it matters not a farthing whether his title be from God or man.

That his title is from man, and from every generation of man, without regard to the determination of former ones, hear from Mr. Locke. "All men" say they, (i. e. Filmer and his adherents) "are born under government and therefore they cannot be at liberty to begin a new one. Every one is born a subject to his father, or his prince, and is therefore under the perpetual tie of subjection and allegiance. It is plain, mankind never owned nor considered any such natural subjection that they were born in, to one or to the other, that tied them without their own consent, to a subjection to them and to their heirs."

"It is true, that whatever engagements or promises any one has made for himself, he is under the obligation of them, but cannot by any compact whatsoever, bind his children or posterity: for his son, when a man, being altogether as free as the father, any act of the father can no more give away the liberty of the son, than it can of any body else."

So much for Mr. Locke's opinion of the rights of mankind. Let us now examine his ideas of the supposed danger of trusting mankind with their rights.

"Perhaps it will be said, that the people being ignorant, and always discontented, to lay the foundation of government in the unsteady opinion and fickle humour of the people, is to expose it to certain ruin:



and no government will be able long to subsist if the people may set up a new legislature, whenever they take offence at the old one. To this, I answer, quite the contrary. People are not so easily got out of their old forms, as some are apt to suggest. They are hardly to be prevailed with to amend the acknowledged faults in the frame they have been accustomed to; and if there be any original defects, or adventitious ones introduced by time, or corruption, it is not an easy thing to be changed, even when all the world sees there is an opportunity for it. This slowness and aversion in the people to quit their old constitutions, has in the many revolutions which have been seen in this kingdom in this and former ages; still kept us to, or, after some interval of fruitless attempts, still brought us back again to our old legislative of king, lords, and commons; and whatever provocations have made the crown be taken from some of our princes heads, they never carried the people so far as to place it in another line."

Gentlemen, I wish I had strength to go on with all that is material, but I have read enough, not only to maintain the true principles of government, but to put to shame the narrow system of distrusting the people.

It may be said, that Mr. Locke went great lengths in his positions, to beat down the contrary doctrine of divine right, which was then endangering the new establishment. But that cannot be objected to Mr. Hume, who maintains the same doctrine. Speaking of the Magna Charta in his history vol. 2d page 88, he says,

"It must be confessed, that the former articles of the great charter, contain such mitigations and explanations of the feudal law, as are reasonable and equitable; and that the latter involve all the chief outlines of a legal government, and provide for the equal distribution of justice and free enjoyment of property; the great object for which political society was founded by men, which the people have a perpetual and unalienable right to recall; and which no time nor precedent,

nor statute, nor positive institution, ought to deter them from keeping ever uppermost in their thoughts and attention."

These authorities are sufficient to rest on, yet I cannot omit Mr. Burke himself, who is, if possible, still more distinct on the subject. Speaking, not of the ancient people of England, but of colonies planted almost within our memories, he says, "If there be one fact in the world perfectly clear, it is this; that the disposition of the people of America is wholly averse to any other than a free government, and this is indication enough to any honest statesman, how he ought to adapt whatever power he finds in his hands to their case. If any ask me what a free government is, I answer, that it is what the people think so; and that they, and not I, are the natural, lawful, and competent judges of this matter. If they practically allow me a greater degree of authority over them than is consistent with any correct ideas of perfect freedom, I ought to thank them for so great a trust, and not to endeavour to prove from thence, that they have reasoned amiss, and that having gone so far, by analogy, they must hereafter have no enjoyment but by my pleasure.

Gentlemen, I am sorry to *feel my time* considerably consumed before I am arrived at what I conceive to be the material subject of your consideration. For all that I have been stating now, is only to show, that there is not that novelty in the opinions of the defendant, that should lead you to think that he does not bona fide entertain them, much less when connected with the history of his life, which, I therefore brought into view before you. But still the great question remains unargued. Had he a right to promulgate these opinions? Gentlemen, if he entertained them, I shall argue that he had. And although my arguments upon the liberty of the press, may not to day be honoured with your, or the court's approbation, I shall retire not at all disheartened, consoling myself with the reflection, that a season may arrive for their reception. The most essential freedoms of



mankind have been but slowly and gradually received, and so very late, indeed, do some of them come to maturity, that notwithstanding the attorney general tells you that the very question I am now agitating, is most peculiarly for your consideration, as a jury, under our ancient constitution, yet I must remind both you and him, that your jurisdiction to consider and deal with it at all in judgment, is but a year old. When, before that late period, I ventured to maintain this very right of a jury over the question of libel under the same *ancient* constitution (I do not mean before my lord, for the matter was gone to rest in the courts, at least long before he came to sit where he does): but when, before a noble and reverend magistrate of the most exalted understanding, and of the most uncorrupted integrity, to give effect to it;\* I had occasion to maintain it, he treated me, not with disregard, indeed, for of that his nature was incapable; but he put me aside with indulgence, as you do a child while it is lisping its prattle out of season; and if this cause had been tried then instead of now, the defendant must have been instantly convicted on the proof of the publication, whatever you might have thought of his case. Yet, I have lived to see it resolved, by an almost unanimous vote of the whole parliament of England, that I had all along been in the right. If this be not an awful lesson of caution concerning opinions, where are such lessons to be read?

Gentlemen, I have insisted at great length, upon the origin of government being in the consent of the people, and detailed the authorities which you have heard upon the subject, because I consider it to be not only a support, but, indeed, the only foundation of the liberty of the press. If Mr. Burke be right in his principles of government, I admit that the press, in my sense of its freedom, ought not to be free, *nor free in any sense at all*; and that all addresses to the people upon the subject of government; and

\* Earl Mansfield.

all speculations of amendment, of what kind or nature soever are illegal and criminal. For, if the people have, without possible recall, delegated all their authorities, they have no jurisdiction to act, and therefore none to think, upon such subjects; and it is a libel to arraign government or any of its acts, before those that have no jurisdiction to correct them. But on the other hand, as it is a settled rule in the law of England, that the subject may always address a competent jurisdiction on every matter within it, no legal argument can shake the freedom of the press in my sense of it, if I am supported in my doctrines concerning the great unalienable rights of the people to change or to reform their governments.

Gentlemen, it is because the liberty of the press resolves itself into this great issue, that it has been in every time and country, the last liberty which subjects have been able to wrest from power. Other liberties are held under governments, but the liberty of opinion keeps governments themselves in due subjection to their duties. This has produced the martyrdom of truth in every age, and the world has only purged itself from ignorance with the innocent blood of those who have enlightened it.

Gentlemen, my strength and time are wasted, and I can only make this melancholy history pass like a shadow before you.

I shall begin with the grand type and example.

The universal God of nature, the Saviour of mankind, the Fountain of all light, who came to pluck the world from eternal darkness, expired upon a cross, the scoff of infidel scorn; and his blessed apostles followed him in the train of martyrs. When he came in the flesh, he might have come like the Mahometan prophet, as a powerful sovereign, and propagated that religion with an unconquerable sword, which even now, after the lapse of ages, is but slowly moving, under the influence of reason, over the face of the earth. But such a process would have been inconsistent with his mission, which was to confound the pride, and to establish the universal



rights of men : he came, therefore, in that lowly state which is represented in the gospel, and preached his consolations to the poor.

When the foundation of this religion was discovered to be invulnerable and immortal, we find political power taking the church into partnership. Thus began the corruptions of religion and civil power, and, hand in hand together, what havock have they not made in the world ; ruling by ignorance and the persecution of truth : but this very persecution only hastened the revival of letters and liberty which were to destroy the one and to raise up the other. Nay, you will find, that in the exact proportion that knowledge and learning have been beat down and fettered, they have destroyed the governments that bound them. The court of Star Chamber, the first restriction on the press of England was erected in 1637. From that moment no man could legally write without an imprimatur from the state ; but truth and freedom found their way with greater force through secret channels, and the unhappy Charles, unwarned by a free press, was brought in eleven years afterwards to an ignominious death.

When men can freely communicate their thoughts and their sufferings, real or imaginary, their passions spend themselves in air, like gun powder scattered upon the surface ; but, pent up by terrors, they work unseen like subterraneous fires, burst forth in earthquake, and destroy every thing in their course. Let reason be opposed to reason, and argument to argument, and every good government will be safe.

The usurper, Cromwell, pursued the same system of restraint in support of his government, and the end of it speedily happened.

At the restoration of Charles the second, the Star Chamber ordinance of 1637, was worked up into an act of parliament, and was followed during that reign, and the short one that succeeded it, by the most sanguinary prosecutions ; but what fact in history is more notorious, than, that this blind and contemptible policy prepared and hastened on the revolution. At

that great era these cobwebs were all brushed away : the freedom of the press was regenerated, and the country, ruled by its affections, has since enjoyed a century of tranquillity and glory. Thus I have maintained, by English history, that in proportion as the press has been free, English government has been secure.

Gentlemen, I will now support the same important truth by very great authorities. Upon a subject of this kind, resort cannot be had to law cases. The ancient law of England knew nothing of such libels ; they began and should have ended, with the Star Chamber. What writings are slanderous of individuals, must be looked for where these prosecutions are recorded ; but upon general subjects we must go to general writers. If, indeed, I were to refer to obscure authors, I might be answered, that my very authorities were libels, instead of justification or examples ; but this cannot be said with effect of great men, whose works are classicks in our language, taught in our schools, and printed under the eye of government.

Gentlemen, I shall begin with the poet Milton, a great authority in all learning. It may be said, indeed, he was a republican, but that would only prove that republicanism is not incompatible with virtue : it may be said too, that the work which I cite was written against previous licensing, which is not contended for to day. But in my opinion, if every work is to be adjudged a libel which is adverse to the wishes of government, or to the opinions of those who may try it, the revival of a licenser would be a security to the publick. For, if I present my book to a magistrate appointed by law, if he reject it, I have only to forbear from the publication, and in the forbearance I am safe ; and he, too, is answerable to the law for the abuse of his authority. But upon the argument of to day, a man must print at his peril, without any guide to the principles of judgment, upon which his work may be afterwards prosecuted and condemned. Milton's argument,



therefore applies, and was meant to apply, to every interruption to writing, which, while they oppress the individual, endanger the state.

"We have them not," says Milton, "that can be heard of, from any ancient state, or polity or church, nor by any statute left us by our ancestors, elder or later, nor from the modern custom of any reformed city, or church abroad; but from the most antichristian council, and the most tyrannous inquisition that ever existed. Till then, books were ever as freely admitted into the world as any other birth; the issue of the brain was no more stifled than the issue of the womb."

"To the pure, all things are pure; not only meats and drink, but all kind of knowledge whether good or evil; the knowledge cannot defile, nor consequently the book, if the will and conscience be not defiled.

"Bad books serve in many respects to discover, to confute, to forwarn, and to illustrate. Whereof, what better witness can we expect I should produce, than one of your own now sitting in parliament, the chief of learned men reputed in this land,\* whose volume of natural and national laws, proves, not only by great authorities brought together, but by exquisite reasons and theorems almost mathematically demonstrative, that all opinions, yea, error, known, read, and collated, are of main service and assistance toward the speedy attainment of what is truest.

"Opinions and understanding are not such wares as to be monopolized and traded in by tickets, and statutes, and standards. We must not think to make a staple commodity of all the knowledge in the land, to mark and license it like our broadcloth and our woolpacks.

"Nor is it to the common people less than a reproach; for if we be so jealous over them that we cannot trust them with an English pamphlet, what do we but censure them, for a giddy, vicious, and un-

\* Mr. Selden.

grounded people; in such a sick and weak estate of faith and discretion, as to be able to take nothing down but through the pipe of a licenser. That this is care or love of them we cannot pretend.

“Those corruptions which it seeks to prevent, break in faster at doors which cannot be shut.

“To prevent men thinking and acting for themselves, by restraints on the press, is like to the exploits of that gallant man, who thought to pound up the crows by shutting his park gate.”

This obstructing violence meets for the most part with an event, utterly opposite to the end which it drives at: instead of suppressing books, it raises them, and invests them with a reputation. “The punishment of wits enhances their authority,” saith the viscount St. Albans, “and a forbidden writing is thought to be a certain spark of truth, that flies up in the face of them who seek to tread it out.”

He then adverts to his visit to the famous Galileo, whom he found and visited in the inquisition, “for not thinking in Astronomy with the Franciscan and Dominican monks.” And what event ought more deeply to interest and affect us. The very laws of nature were to bend under the rod of a licenser. This illustrious astronomer ended his life within the bars of a prison, because in seeing the phases of Venus, through his newly invented telescope, he pronounced, that she shone with borrowed light, and from the sun as the centre of the universe. This was the mighty crime, the placing the sun in the centre; that sun which now inhabits it upon the foundation of mathematical truth, which enables us to traverse the pathless ocean, and to carry our line and rule amongst other worlds, which but for Galileo we had never known, perhaps even to the recesses of an infinite and immortal God.

Milton then in his most eloquent address to the parliament, puts the liberty of the press on its true and most honourable foundation. “Believe it lords and commons, they who counsel you to such a suppress-



ing of books, do as good as bid you suppress yourselves; and I will soon show how.

“If it be desired to know the immediate cause of all this free writing and free speaking, there cannot be assigned a truer than your own mild, and free, and humane government. It is the liberty, lords and commons, which your own valourous and happy counsels have purchased us; liberty which is the nurse of all great wits. This is that which hath rarified and enlightened our spirits like the influence of heaven; this is that which hath enfranchised, enlarged, and lifted up our apprehensions, degrees above themselves. Ye cannot make us now less capable, less knowing, less eagerly pursuing the truth, unless ye first make yourselves, that made us so, less the lovers, less the founders of our true liberty. We can grow ignorant again, brutish, formal, and slavish, as ye found us, but you then must first become that which ye cannot be; oppressive, arbitrary, and tyrannous, as they were from whom ye have freed us. That our hearts are now more capacious, our thoughts now more erected to the search and expectation of greatest and exactest things, is the issue of your own virtue propagated in us. Give me the liberty to know, to utter, and to argue freely according to conscience above all liberties.”

Gentlemen, I will refer you to another author whose opinion you may think more in point, as having lived in our own times, and as holding the highest monarchical principles of government. I speak of Mr. Hume; who, nevertheless, considers, that this liberty of the press extends not only to abstract speculation, but to keep the publick on their guard against all the acts of their government.

After showing the advantages of a monarchy to publick freedom, provided it is duly controlled and watched by the popular part of the constitution, he says: “These principles account for the great liberty of the press in these kingdoms, beyond what is indulged in any other government. It is apprehended, that arbitrary power would steal in upon us were we

not careful to prevent its progress, and were there not an easy method of conveying the alarm from one end of the kingdom to the other. The spirit of the people must frequently be roused, in order to curb the ambition of the court; and the dread of rousing this spirit must be employed to prevent that ambition. Nothing is so effectual to this purpose as the liberty of the press, by which all the learning, wit, and genius of the nation, may be employed on the side of freedom; and every one be animated to its defence. As long, therefore, as the republican part of our government can maintain itself against the monarchical, it will naturally be careful to keep the press open, as of importance to its own preservation."

There is another authority cotemporary with the last, a splendid speaker in the upper house of parliament, and who held during most of his time high offices under the king: I speak of the earl of Chesterfield, who thus expressed himself in the house of lords: "One of the greatest blessings, my lords, we enjoy, is liberty; but every good in this life has its alloy of evil—licentiousness is the alloy of liberty, it is—"

*Lord Kenyon.* Dr. Johnson claims to pluck that feather from lord Chesterfield's wing; he speaks, I believe, of the eye of the political body.

*Mr. Erskine.* Gentlemen, I have heard it said, that lord Chesterfield borrowed that which I was just about to state, and which his lordship has anticipated.

*Lord Kenyon.* That very speech which did lord Chesterfield so much honour, is supposed to have been written by Dr. Johnson.

*Mr. Erskine.* Gentlemen, I believe it was, and I am much obliged to his lordship for giving me a far higher authority for my doctrine. For though lord Chesterfield was a man of great ingenuity and wit, he was undoubtedly far inferiour in learning and in monarchical opinion, to the celebrated writer to whom my lord has now delivered the work by his authority. Dr. Johnson then says: "One of the greatest blessings we enjoy, one of the greatest bless-



ings a people, my lord, can enjoy is liberty; but every good in this life has its alloy of evil: licentiousness is the alloy of liberty: it is an ebullition, an excrescence; it is a speck upon the eye of the political body, which I can never touch but with a gentle, with a trembling hand, lest I destroy the body, lest I injure the eye upon which it is apt to appear.

“There is such a connexion between licentiousness and liberty, that it is not easy to correct the one, without dangerously wounding the other; it is extremely hard to distinguish the true limit between them. Like a changeable silk, we can easily see there are two different colours, but we cannot easily discover where the one ends or where the other begins.”

I confess, I cannot help agreeing with this learned author. The danger of touching the press is the difficulty of making its limits. My learned friend who has just gone out of court, has drawn no line, and unfolded no principle. He has not told us, if this book is condemned, what book may be written. If I may not write against the existence of a monarchy, and recommend a republick, may I write against any part of the government? May I say that we should be better without a house of lords, or a house of commons, or a court of chancery, or any other given part of our establishment? Or if, as has been hinted, a work may become libellous for stating even legal matter with sarcastick phrase, the difficulty becomes the greater, and the liberty of the press more impossible to define.

The same author, pursuing the subject, and speaking of the fall of Roman liberty, says, “But this sort of liberty came soon after to be called licentiousness: for we are told that Augustus, after having established his empire, restored order in Rome by restraining licentiousness. God forbid we should in this country have order restored, or licentiousness restrained, at so dear a rate as the people of Rome paid for it to Augustus.

“ Let us consider, my lords, that arbitrary power has seldom or never been introduced into any country at once. It must be introduced by slow degrees, and as it were step by step, lest the people should see its approach. The barriers and fences of the people’s liberty must be plucked up one by one, and some plausible pretences must be found for removing or hoodwinking, one after another, those sentries who are posted by the constitution of a free country, for warning the people of their danger. When these preparatory steps are once made, the people may then, indeed, with regret, see slavery and arbitrary power making long strides over their land; but it will be too late to think of preventing or avoiding the impending ruin.

“ The stage, my lords, and the press, are two of our out sentries; if we remove them, if we hoodwink them, if we throw them in fetters, the enemy may surprise us.”

Gentlemen, this subject was still more lately put in the justest and most forcible light by a noble person high in the magistracy; and whose mind is not at all turned to the introduction of disorder by improper popular excesses: I mean lord Loughborough, chief justice of the court of common pleas. I believe I can answer for the correctness of my note, which I shall follow up with the opinion of another member of the lords’ house of parliament; the present earl Stanhope, or rather I shall take lord Stanhope first, as his lordship introduces the subject by adverting to this argument of lord Loughborough’s. “ If,” says his lordship, “ our boasted liberty of the press were to consist only in the liberty to write in praise of the constitution, this is a liberty enjoyed under many arbitrary governments. I suppose it would not be deemed quite an unpardonable offence, even by the empress of Russia, if any man were to take into his head to write a panegyrick upon the Russian form of government. Such a liberty as that might therefore properly be termed the *Russian liberty of the press*. But the English liberty of the press is of a



very different description : for, by the law of England, it is not prohibited to publish speculative works upon the constitution, whether they contain praise or censure.”\*

You see, therefore, as far as the general principle goes, I am supported by the opinion of lord Stanhope, for otherwise the noble lord has written a libel himself, by exciting other people to write whatever they may think, be it good or evil, of the constitution of the country. As to the other high authority, lord Loughborough, I will read what applies to this subject. “Every man,” said lord Loughborough, “may publish at his discretion his opinions concerning forms and systems of government.

“If they be wise and enlightening, the world will gain by them ; if they be weak and absurd, they will be laughed at and forgotten ; and if they be bona fide, they cannot be criminal, however erroneous. On the other hand, the purpose and the direction may give a different turn to writings whose common construction is harmless or even meritorious. Suppose men assembled, in disturbance of the peace, to pull down mills or turnpikes, or to do any other outrage, and that a mischievous person should disperse among them an excitation to the planned mischief, known to both writer and reader, *To your tents, O Israel* ; that publication would be criminal. But how criminal ? not as a libel, not as an abstract writing, but as an act ; and, the act being the crime, it must be stated as a fact extrinsick on the record. For, otherwise, a court of error could have no jurisdiction but over the natural construction of the writing ; nor would the defendant have any notice of such matter at the trial, without a charge on the record. To give the jury cognizance of any matter beyond the construction of the writing, the averment should be, in the case as I have instanced, that certain persons were, as I have described, assembled ; and that the publisher, intending to excite these persons so assem-

\* Lord Stanhope’s defence of the Libel Bill.

bled, wrote *so and so*. Here the crime is complete, and consists in an overt act of wickedness evidenced by a writing."

In answer to all these authorities, the attorney general may say, that, if Mr. Paine had written his observations with the views of those high persons and under other circumstances, he would be protected and acquitted: to which I can only answer, that no fact or circumstances attending his work are either charged or proved; that you have no jurisdiction whatever but over the natural construction of the work before you, and that I am therefore brought, without a flaw in the deduction, to the passages which are the particular subject of complaint.

Gentlemen, I am not unmindful how long I have already trespassed upon your patience; and, recollecting the nature of the human mind, and how much, for a thousand reasons, I have to struggle against at this moment, I shall not be disconcerted if any of you should appear anxious to retire from the pain of hearing me further. It has been said, that my vanity has forwarded my zeal in this cause; but I might appeal even to the authors of those paragraphs, whether a situation ever existed which vanity would have been fonder to fly from: the task of speaking against every known prepossession; with every countenance, as it were, planted and lifted up against me. But I stand at this bar to give to a criminal, arraigned before it, the defence which the law of the country entitles him to. If any of my arguments be indecent or unfit for the court to hear, the noble judge presides to interrupt them; if all or any of them, are capable of an answer, they will be answered; or, if they be so unfounded in your own minds, who are to judge of them as not to call for refutation, your verdict in a moment will overthrow all that has been said. We shall then have all discharged our duties. It is yours to judge, but mine only to address your judgments.

When my lord and I were counsel for lord George Gordon in 1781, it was not considered by that jury, nor imputed to us by any body, that we were contending for the privileges of overawing the house of



commons, or recommending the conflagration of this city. I am doing the same duty now, which my lord and I then did in concert together; and whatever may become of the cause, I expect to be heard, conscious that no just obloquy can be, or will, in the end, be cast upon me for having done my duty in the manner I have endeavoured to perform it.

Gentlemen, I come now to observe on the passages selected by the information; and with regard to the first I shall dispose of it in a moment.

“All hereditary government is in its nature tyranny. An hereditary crown, or an hereditary throne, or by what other fanciful name such things may be called, have no other significant explanation than that mankind are hereditary *property*. To *inherit* a government is to *inherit* the *people* as if they were flocks and herds.”

And is it to be endured, says the attorney general, that the people of this country are to be told that they are driven like oxen or sheep? Certainly not. I am of opinion that a more dangerous doctrine cannot be instilled into the people of England. But who instils such a doctrine? I deny it is instilled by Paine. For when he maintains that hereditary monarchy inherits a people like flocks and herds, it is clear from the context, which is kept out of view, that he is combating the proposition in Mr. Burke's book, which asserts, that the hereditary monarchy of England is fastened upon the people of England by indissoluble compact. Mr. Paine on the contrary, asserts the king of England to be the *magistrate of the people*, existing by their consent, which is utterly incompatible with their being driven like herds. His argument, therefore, is this, and it retorts on his adversary. He says such a king as you represent the king of England to be, inheriting the people by virtue of conquest, or of some compact, which, having once existed, cannot be dissolved while the original terms of it are kept, *is an inheritance like flocks and herds*. But I deny that to be the king of England's title. He is *the magistrate of the people*, and that title

I respect. It is to your own imaginary king of England, therefore, and not to his majesty, that your unfounded innuendoes apply. It is the monarchs of Russia and Prussia, and all governments fastened upon unwilling subjects by hereditary indefeasible titles, that are stigmatized by Paine as inheriting the people like flocks. The sentence therefore must either be taken in the pure abstract, and then it is not only merely speculative, but the application of it to our own government fails altogether, or it must be taken connected with the matter which constitutes the application, and then it is Mr. Burke's king of England, and not his majesty, whose title is denied.

I pass, therefore, to the next passage, which appears to be an extraordinary selection. It is taken at a leap from page 21 to page 47, and breaks in at the words, "This convention." The sentence selected stands thus, "This convention met at Philadelphia in May 1787, of which General Washington was elected president. He was not at that time connected with any of the state governments, or with congress. He delivered up his commission when the war ended, and since then had lived a private citizen.

"The convention went deeply into all the subjects; and having, after a variety of debate and investigation, agreed among themselves upon the several parts of a federal constitution, the next question was, the manner of giving it authority and practice.

"For this purpose they did not like a cabal of courtiers, send for a Dutch stadtholder, or a German elector; but they referred the whole matter to the sense and interest of the country."

This sentence, standing thus by itself, may appear to be a mere sarcasm on king William, upon those who effected the revolution, and upon the revolution itself, without any reasoning or deduction: but when the context and sequel are looked at and compared, it will appear to be a serious historical comparison between the revolution effected in England in 1688, and the late one in America when she established her independence, and no man can doubt that his judgment



on that comparison was sincere. But where is the libel on the constitution? For whether king William was brought over here by the sincerest and justest motives of the whole people of England, each man acting for himself, or through the motives and agencies imputed by the defendant, it signifies not one farthing at this time of day to the establishment itself. Blackstone warns us not to fix our obedience or affection to the government on the motives of our ancestors, or the rectitude of their reasonings, but to be satisfied that it is established. This is safe reasoning, and, for my own part, I should not be differently affected to the constitution of my country, which my own understanding approved, whether angels or demons had given it birth.

Do any of you love the reformation the less because Henry the eighth was the author of it! Or because lust and poverty and not religion were his motives. He had squandered the treasures of his father, and he preferred Anne Boleyn to his queen. These were the causes which produced it. What then! does that affect the purity of our reformed religion, undermine its establishment, or shake the king's title as prince of the country, to the exclusion of those who held by the religion it had abolished? Will the attorney general affirm, that I could be convicted of a libel for a whole volume of asperity against Henry the eighth, merely because he effected the reformation; and if not, why against king William who effected the revolution? Where is the line to be drawn? Is one, two, or three centuries to be the statute of limitation? But do not our own historians detail this very cabal of courtiers, from the records of our own country? If you will turn to Hume's history, volume the eighth, page 188, &c. &c. you will find that he states at great length, the whole detail of intrigues which paved the way for the revolution, and the interested coalition of parties which gave it effect.

But what of all this, concerning the motives of parties, which is recorded by Hume? The question is,

*What is the thing brought about? not, how it was brought about.* If it stands, as Blackstone argues it, upon the consent of our ancestors, followed up by our own, no individual can withdraw his obedience. If he dislikes the establishment, let him seek elsewhere for another. I am not contending for uncontrolled *conduct*, but for freedom of *opinion*.

With regard to what has been stated of the Edwards, and Henries, and the other princes under which the author can only discover "restrictions on power, but nothing of a constitution:" surely my friend is not in earnest when he selects that as a libel.

Paine insists, that there was no constitution under these princes, and that English liberty was obtained from usurped power by the struggles of the people. So say I. And I think it for the honour and advantage of the country that it should be known.

Was there any freedom after the original establishment of the Normans by conquest? Was not the Magna Charta wrested from John by open force of arms at Runnymede? Was it not again reenacted whilst menacing arms were in the hands of the people? Were not its stipulations broken through, and two and forty times reenacted by Parliament, upon the first demand of the people in the following reigns? I protest it fills me with astonishment to hear these truths brought in question.

I was formerly called upon, under the discipline of a college, to maintain them, and was rewarded for being thought to have successfully maintained that our present constitution was by no means a remnant of Saxon liberty, nor any other institution of liberty, but the pure consequence of the oppression of the Norman tenures, which, spreading the spirit of freedom from one end of the kingdom to another, enabled our brave fathers, inch by inch, not to reconquer, *but for the first time to obtain* those privileges which are the unalienable inheritance of all mankind.

But why do we speak of the Edwards and Henries, when Hume himself expressly says, notwithstanding all we have heard to day of the antiquity of



our constitution, that our monarchy was nearly absolute till the middle of last century. I have his book in court, and will read it to you. It is his *Essay on the Liberty of the Press*, vol. 1. p. 15.

“All absolute governments, and such in a great measure was England, till the middle of the last century, notwithstanding the numerous panegyricks on ancient English liberty, must very much depend on the administration.”

This is Hume's opinion : the conclusion of a grave historian from all that he finds recorded as the materials for history : and shall it be said that Mr. Paine is to be punished for writing to day what was before written by another, who is now a distinguished classic in the language ? All the verdicts in the world will not make that palatable to an impartial publick, or to posterity.

The next passage arraigned is this, p. 56. “The attention of the government of England, for I rather choose to call it by this name than the English government, appears, since its political connexion with Germany, to have been so completely engrossed and absorbed by foreign affairs, and the means of raising taxes, that it seems to exist for no other purposes. Domestick concerns are neglected ; and with respect to regular law, there is scarcely such a thing.”

That the government of this country is in consequence of its connexion with the continent, and the continental wars which it has occasioned, been continually loaded with grievous taxes no man can dispute ; and I appeal to your justice, whether this subject has not been, for years together, the constant topick of unproved declamation and grumbling ?

As to what he says with regard to there hardly being such a thing as regular law, he speaks in the abstract of the complexity of our system ; but does not arraign the administration of justice in its practice. But with regard to criticisms and strictures on the general system it has been echoed over and over again by various authors ; and even from the pulpits of our country, that the law of the land is mainly

defective, devoid of regularity and precision, and overloaded with a variety of expensive and unnecessary forms. I have a sermon in court, written during the American war, by a person of great eloquence and piety, part of which I will read to you on this subject, in which he looks forward to an exemption from the intolerable grievances of our old legal system in the infant establishments of the new world.

“ It may be in the purposes of Providence, on yon western shores to raise the bulwark of a purer reformation than ever Britain patronised ; to found a less burthensome, more auspicious, stable, and incorruptible government, than ever Britain has enjoyed ; and to establish there a system of law more just and simple in its principles, less intricate, dubious, and dilatory in its proceedings, more mild and equitable in its sanctions, more easy and more certain in its execution ; wherein no man can err through ignorance of what concerns him, or want justice through poverty or weakness, or escape it by legal artifice, or civil privileges, or interposing power ; wherein the rule of conduct shall not be hidden or disguised in the language of principles and customs that died with the barbarism which gave them birth ; wherein hasty formulas shall not dissipate the revenue that is due to the tribunals and transactions of justice ; wherein obsolete prescripts shall not pervert or entangle, nor impede the administration of it, nor in any instance expose it to derision or to disregard ; wherein misrepresentation shall have no share in deciding upon right and truth ; and under which no man shall grow great by the wages of chicanery, or thrive by the quarrels that are ruinous to his employers.”

This is ten times stronger than Mr. Paine ; but who ever thought of prosecuting Mr. Cappe ?

In various other instances you will find defects in your jurisprudence pointed out and lamented, and not seldom by persons called upon by their situations to deliver the law in the seat of magistracy : therefore the author's general observation does not appear to be



that species of attack upon the magistracy of the country as to fall within the description of a libel.

With respect to the two houses of parliament, I believe I shall be able to show you that the very person who introduced this controversy, and who certainly is considered by those who now administer the government, as a man usefully devoted to maintain the constitution of the country in the present crisis, has himself made remarks upon these assemblies; which upon comparison you will think more severe than those which are the subject of the attorney general's animadversion. The passage in Mr. Paine runs thus:

“With respect to the *two houses*, of which the English parliament is composed, they appear to be effectually influenced into one, and, as a legislature to have no temper of its own. The minister, whoever he at any time may be, touches it as with an opiate wand, and it sleeps obedience.

“But if we look at the distinct abilities of the two houses, the difference will appear so great, as to show the inconsistency of placing power where there can be no certainty of the judgment to use it. Wretched as the state of representation is in England, it is manhood compared with what is called the house of lords; and so little is this nick-named house regarded, that the people scarcely inquire at any time what it is doing. It appears also to be most under influence, and the furthest removed from the general interest of the nation.”

The conclusion of the sentence, and which was meant by Paine as evidence of the previous assertion, the attorney general has omitted in the information, and in his speech: it is this:

“In the debate on engaging in the Russian and Turkish war, the majority in the house of peers in favour of it was upwards of ninety, when in the other house, which is more than double its numbers, the majority was sixty-three.”

The terms, however, in which Mr. Burke speaks of the house of lords, are still more expressive. “It is something more than a century ago, since we voted

the house of lords useless. They have now voted themselves so, and the whole hope of reformation," speaking of the house of commons, "is cast upon us." This sentiment Mr. Burke not only expressed in his place in parliament, where no man can call him to an account; but it has been since, repeatedly printed amongst his other valuable works. And his opinion of both the houses of parliament, which I am about to read to you, was originally published as a pamphlet,\* and applied to the settled habitual abuses of these high assemblies. Remember I do not use them as *argumenta ad hominem* or *ad invidiam* against the author, for if I did, it could be no defence of Mr. Paine. But I use them as high authority, the work having been the just foundation of substantial and lasting reputation. Would to God that any part of it were capable of being denied or doubted.

"Against the being of parliament, I am satisfied, no designs have ever been entertained since the revolution. Every one must perceive that it is strongly the interest of the court to have some second cause interposed between the ministers and the people. The gentlemen of the house of commons have an interest equally strong, in sustaining the part of that intermediate cause. However they may hire out the *usufruct* of their voices, they never will part with the *fee and inheritance*. Accordingly those who have been of the most known devotion to the will and pleasure of a court, have at the same time been most forward in asserting a high authority in the house of commons. When they knew who were to use that authority and how it was to be employed, they thought it never could be carried too far. It must be always the wish of an unconstitutional statesman, that a house of commons, who are entirely dependent upon him, should have every right of the people dependent upon their pleasure. For it was discovered that the forms of a free, and the ends of an arbitrary government, were things not altogether incompatible.

"The power of the crown, almost dead and rotten as prerogative, has grown up anew, with much more

\* Thoughts on the Cause of the Present Discontents.



strength and far less odium under the name of influence. An influence which operates without noise and violence; which converts the very antagonist into the instrument of power; which contains in itself a perpetual principle of growth and renovation; and which the distresses and the prosperity of the country equally tend to augment, was an admirable substitute for a prerogative, that being only the offspring of antiquated prejudices, had moulded in its original stamina irresistible principles of decay and dissolution. The ignorance of the people is a bottom but of a temporary system; but the interest of active men in the state is a foundation perpetual and infallible."

Mr. Burke therefore, in page 66, speaking of the same court party, says:

"Parliament was indeed the great object of all these politicks, the end at which they aimed as well as the instrument by which they were to operate."

And pursuing the subject, in page 70, proceeds as follows:

"They who will not conform their conduct to the publick good, and cannot support it by the prerogative of the crown, have adopted a new plan. They have totally abandoned the shattered and old fashioned fortress of prerogative, and made a lodgement in the strong hold of parliament itself. If they have any evil design to which there is no ordinary legal power commensurate, they bring it into parliament. There the whole is executed from the beginning to the end; and the power of obtaining their object absolute; and the safety in the proceeding perfect; no rules to confine nor after reckonings to terrify. For parliament cannot with any great propriety punish others for things in which they themselves have been accomplices. Thus its control upon the executory power is lost; because it is made to partake in every considerable act of government, *and impeachment, that great guardian of the purity of the constitution, is in danger of being lost even to the idea of it.*

"Until this time, the opinion of the people through the power of an assembly, still in some sort popular,

led to the greatest honours and emoluments in the gift of the crown. Now the principle is reversed; and the favour of the court is the only sure way of obtaining and holding those honours which ought to be in the disposal of the people."

Mr. Burke, in page 100, observes with great truth, that the mischiefs he complained of, did not at all arise from the monarchy, but from the parliament; and that it was the duty of the people to look to it. He says, "The distempers of monarchy were the great subjects of apprehension and redress, in the last century; in this the distempers of parliament.

Not the distempers of parliament in this year or the last, but in *this century*, that is, its settled habitual distemper. "It is not in parliament alone that the remedy for parliamentary disorders can be completed; and hardly indeed can it begin there. Until a confidence in government is reestablished the people ought to be excited to a more strict and detailed attention to the conduct of their representatives. Standards for judging more systematically upon their conduct ought to be settled in the meetings of counties and corporations, and frequent and correct lists of the voters in all important questions ought to be procured."

"By such means something may be done since it may appear who those are that by an indiscriminate support of all administrations, have totally banished all integrity and confidence out of publick proceedings; have confounded the best men with the worst, and weakened and dissolved, instead of strengthening and compacting the general frame of government."

I wish it was possible to read the whole of this most important volume—but the consequences of these truths contained in it were all eloquently summed up by the author in his speech upon the reform of the household.

"But what I confess was uppermost with me, what I bent the whole course of my mind to, was the reduction of that corrupt influence which is itself the perennial spring of all prodigality and disorder; which



loads us more than millions of debt; which takes away vigour from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitution.

The same important truths were held out to the whole publick, upon a still later occasion, by the person now at the head of his majesty's councils; and so high, as it appears, in the confidence of the nation \* He, not in the abstract like the author before you, but upon the spur of the occasion, and in the truth of what had just been declared in the house of commons, came to, and acted upon resolutions which are contained in this book.† Resolutions pointed to the purification of a parliament, dangerously corrupted into the very state described by Mr. Paine. Remember here, too, that I impute no censure to Mr. Pitt. It was the most brilliant passage in his life, and I should have thought his life a better one, if he had continued uniform in the support of opinions which it is said he has not changed, and which certainly have had nothing to change them. But at all events. I have a right to make use of the authority of his splendid talents and situation, not merely to protect the defendant, but the publick, and to resist the precedent, *That what one man may do in England with approbation and glory, shall conduct another man to a pillory or a prison.*

It was the abuses pointed out by the man before you, that led the right honourable gentleman to associate with many others of high rank, under the banners of the duke of Richmond, whose name stands at the head of the list, and to pass various publick resolutions, concerning the absolute necessity of purifying the house of commons; and we collect the plan from a preamble entered in a book. "Whereas the life, liberty and property of every man is, or may be, affected by the law of the land in which he lives, and every man is bound to pay obedience to the same.

\* Mr. Pitt.

† Mr. Erskine took up a book.

“ And whereas, by the constitution of this kingdom the right of making laws is vested in three estates, of king, lords and commons, in parliament assembled, and the consent of all the three said estates, comprehending the whole community, is necessary to make laws to bind the whole community. And whereas the house of commons represents all the commons of the realm, and the consent of the house of commons binds the consent of all the commons in the realm, and in all cases on which the legislature is competent to decide.

“ And whereas, no man is, or can be actually represented who hath not a vote in the election of his representative.

“ And whereas it is the right of every commoner of this realm (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to have a vote in the election of the representative who is to give his consent to the making of laws by which he is to be bound.

“ And whereas the number of persons who are suffered to vote for electing the members of the house of commons, do not at this time amount to one sixth part of the whole commons of this realm, whereby far the greater part of the said commons are deprived of their right to elect their representatives; and the consent of the majority of the whole community, to the passing of laws, is given by persons whom they have not delegated for such purposes; and the majority of the said community, and to which the said majority have not in fact consented by themselves, or by their representatives.

“ And whereas the state of election of members of the house of commons, hath in process of time so grossly deviated from its simple and natural principle of representation and equality, that in several places the members are returned by the property of one man; that the smallest boroughs send as many members as the largest counties, and that a majority of the representatives of the whole nation are chosen by a number of votes not exceeding twelve thousand.”



These, with many others were published, not as abstract, speculative writings, but within a few days after the house of commons had declared that no such rights existed, and that no alteration was necessary in the representation. It was then that they met at the Thatched House and published their opinions and resolutions to the country at large. Were any of them prosecuted for these proceedings? Certainly not, for they were legal proceedings. But I desire you as men of honour and truth, to compare all this with Mr. Paine's expression of the ministers touching parliament with his opiate wand, and let equal justice be done. That is all I ask. Let all be punished or none. Do not let Mr. Paine be held out to the contempt of the publick upon the score of his observations on parliament, while others are enjoying all the sweets which attend a supposed attachment to their country, who have said the same things, and reduced their opinions to practice.

But now every man is to be cried down for such opinions. I observed that my learned friend significantly raised his voice in naming Mr. Horne Tooke, as if to connect him with Paine, or Paine with him. This is exactly the same course of justice; for after all he said nothing of Mr. Tooke. What could he have said, but that he was a subscriber with the great names I have read in these proceedings which they have thought fit to desert.

Gentlemen, let others hold their opinions and change them at their pleasure. I shall ever maintain it to be the dearest privilege of the people of Great Britain to watch over every thing that affects their good government, either in the system or in the practice; and that for this purpose the press must be free. It has always been so, and much evil has been corrected by it. If government finds itself annoyed by it, let it examine its own conduct, and it will find the cause. Let it amend it, and it will find the remedy.

Gentlemen, I am no friend to sarcasms in the discussion of grave subjects, but you must take writers according to the view of the mind at the moment.

Mr. Burke as often as any body indulges in it: hear his reason in his speech on reform, for not taking away the salaries from lords who attend upon the British court. "You would," said he, "have the court deserted by all the nobility in the kingdom."

"Sir, the most serious mischiefs would follow from such a desertion. Kings are naturally lovers of low company; they are so elevated above all the rest of mankind, that they must look upon all their subjects as on a level; they are rather apt to hate than to love their nobility, on account of the occasional resistance to their will, which will be made by their virtue, their petulance, or their pride. It must indeed be admitted, that many of the nobility are as perfectly willing to act the part of flatterers, tale-bearers, parasites, pimps, and buffoons, as any of the lowest and vilest of mankind can possibly be: but they are not properly qualified for this object of their ambition. The want of a regular education, and early habits, with some lurking remains of their dignity, will never permit them to become a match for an Italian eunuch, a mountebank, a fiddler, a player, or any regular practitioner of that tribe. The Roman emperours, almost from the beginning, threw themselves into such hands; and the mischief increased every day, till its decline, and its final ruin. It is therefore, of very great importance provided the thing is not overdone, to contrive such an establishment as must, almost whether a prince will or not, bring into daily and hourly offices about his person a great number of his first nobility; and it is rather a useful prejudice that gives them a pride in such a servitude. Though they are not much the better for a court, a court will be much the better for them. I have, therefore, not attempted to reform any of the offices of honour about the king's person."

What is this but saying that a king is an animal so incurably addicted to low company as generally to bring on by it the ruin of nations; but nevertheless, he is to be kept as a necessary evil, and his propensities bridled by surrounding him with a parcel of mis-



creants still worse if possible, but better than those he would choose for himself. This, therefore, if taken by itself, would be a most abominable and libellous sarcasm on kings and nobility: but look at the whole speech, and you observe a great system of regulation; and no man I believe, ever doubted Mr. Burke's attachment to monarchy. To judge therefore, of any part of a writing, the whole must be read.

With the same view I mean to read to you the beginning of Harrington's *Oceana*: but it is impossible to name this well known author without exposing to just contempt and ridicule the ignorant or profligate misrepresentations which are vomited forth upon the publick, to bear down every man as desperately wicked, who in any age or country has countenanced a republick, for the mean purpose of prejudging this trial.

Is this the way to support the English constitution? Are these the means by which Englishmen are to be taught to cherish it? I say, if the man upon trial were stained with blood instead of ink; if he were covered over with crimes which human nature would start at the naming of, the means employed against him would not be the less disgraceful.

For this notable purpose then, Harrington, not above a week ago, was handed out to us as a low, obscure wretch, involved in the murder of the monarch, and the destruction of the monarchy, and as addressing his despicable works at the shrine of a usurper. Yet this very Harrington, this low blackguard, was descended (you may see his pedigree at the Herald's office for sixpence) from eight dukes, three marquisses, seventy earls, twenty-seven viscounts, and thirty-six barons, sixteen of whom were knights of the garter; a descent which I think would save a man from disgrace in any of the circles of Germany. But what was he besides? *A blood-stained ruffian?* Oh

\* Mr. Erskine took up a book, but laid it down again without reading from it, saying something to the gentleman who sat near him, in a low voice, which I did not hear. [Note by the stenographer.]

brutal ignorance of the history of the country ! He was the most affectionate servant of Charles the first, from whom he never concealed his opinions ; for it is observed by Wood, that the king greatly affected his company ; but when they happened to talk of a commonwealth, he could scarcely endure it. " I know not," says Toland, " which most to commend ; the king for trusting an honest man, though a republican ; or Harrington for owning his principles while he served a king."

But did his opinion affect his conduct ? Let history again answer. He preserved his fidelity to his unhappy prince to the very last, after all his fawning courtiers had left him to his enraged subjects. He staid with him while a prisoner in the Isle of Wight ; came up by stealth to follow the fortunes of his monarch and master ; even hid himself in the boot of the coach, where he was conveyed to Windsor ; and ending as he began, fell into his arms and fainted on the scaffold.

After Charles death the Oceana was written, and as if it were written from justice and affection to his memory : for it breathes the same noble and spirited regard, and asserts that it was not Charles that brought on the destruction of the monarchy, but the feeble and ill constituted nature of monarchy itself.

But the book was a flattery to Cromwell. Once more and finally, let history decide.

It was seized by the usurper as a libel, and the way it was recovered is remarkable. I mention it to show that Cromwell was a wise man in himself, and knew on what governments must stand for their support.

Harrington waited on his daughter to beg for his book, and on entering her apartment snatched up her child and ran away. On her following him with surprise and terrour, he turned to her and said, " I know what you feel as a mother, feel then for me. Your father has got my child," meaning the Oceana. The Oceana was afterwards restored on her petition, Cromwell answering with the sagacity of a sound po-



litician, "Let him have his book ; if my government is made to stand, it has nothing to fear from *paper shot*." He said true. No good government will ever be battered by paper shot. Montesquieu says that, "In a free nation, it matters not whether individuals reason well or ill ; it is sufficient that they do reason. Truth arises from the collision, and from hence springs liberty, which is a security from the effect of reasoning."

The attorney general read extracts from Mr. Adams's answer to this book. Let others do like Mr. Adams. I am not insisting upon the infallibility of Mr. Paine's doctrines. If they are erroneous, let them be answered, and truth will spring from the collision.

A disposition in a nation to this species of controversy is no proof of sedition or degeneracy, but quite the reverse, as is mentioned by Milton, [I omitted to cite the passage with the others] who in speaking of this subject, rises into that inexpressible sublime style of writing, wholly peculiar to himself. He was indeed no plagiarist from any thing human. He looked up for light and expression, as he himself wonderfully describes it, by devout prayer to that great Being, who is the source of all utterance and knowledge ; and who sendeth out his seraphim with the hallowed fire of his altars to touch and purify the lips of whom he pleases. "When the cheerfulness of the people," says this mighty poet, "is so sprightly up, as that it has not only wherewith to guard well its own freedom and safety, but to spare, and to bestow upon the solidest and sublimest points of controversy and new invention, it betokens us not degenerated nor drooping to a fatal decay, but casting off the old and wrinkled skin of corruption to outlive these pangs, and wax young again, entering the glorious ways of truth and prosperous virtue, destined to become great and honourable in these latter ages. Methinks I see in my mind, a noble and puissant nation arousing herself like a strong man after sleep, and shaking her invincible locks. Methinks I see

her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full mid day beam; purging and unsealing her long abused sight at the fountain itself of heavenly radiance; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble, would prognosticate a year of sects and schism."

Gentlemen, what Milton only saw in his mighty imagination, I see in fact. What he expected, but which never came to pass, I see now fulfilling. Methinks I see this noble and puissant nation, not degenerated and drooping to a fatal decay, but casting off the wrinkled skin of corruption to put on again the vigour of her youth.

And it is because others, as well as myself see this, that we have all this uproar. France and its constitution are the mere pretences. It is because Britons begin to recollect the inheritance of their own constitution left them by their ancestors. It is because they are awakened to the corruptions which have fallen upon its most valuable parts, that forsooth the nation is in danger of being destroyed by a single pamphlet.

Gentlemen, I have marked the course of this alarm. It began with the renovation of those exertions for the publick, which the authors of the alarm had themselves originated and deserted; and they became louder and louder when they saw these principles avowed and supported by my admirable and excellent friend, Mr. Fox; the most eminently honest and enlightened statesman, that history brings us acquainted with; a man whom to name is to honour, but whom in attempting adequately to describe, I must fly to Mr. Burke, my constant refuge when eloquence is necessary: a man who to relieve the sufferings of the most distant nations, "put to the hazard his ease, his security, his interest, his power, even his darling popularity for the benefit of a people whom he had never seen." How much more then for the inhabitants of his native country: yet this is the man who has



been censured and disavowed in the manner we have lately seen.

Gentlemen, I have but a few more words to trouble you with. I take my leave of you with declaring, that all this freedom which I have been endeavouring to assert, is no more than the freedom which belongs to our own inbred constitution. I have not asked you to acquit Mr. Paine upon any new lights or upon any principle but the law, which you are sworn to administer. My great object has been to inculcate, that wisdom and policy, which are the parents of the law of Great Britain, forbid this jealous eye over her subjects; and that on the contrary, they cry aloud, in the language of the poet employed by lord Chatham on the memorable subject of America, unfortunately without effect :

“ Be to their faults a little blind,  
“ Be to their virtues very kind ;  
“ Let all their thoughts be unconfined,  
“ And clap your padlock on the mind.”

Engage them by their affections; convince their reason, and they will be loyal from the only principle that can make loyalty sincere, vigorous or rational; a conviction that it is their truest interest, and that their form of government is for their common good. Constraint is the natural parent of resistance, and a pregnant proof, that reason is not on the side of those who use it. You must all remember, gentlemen, Lucian's pleasant story : Jupiter and a countryman were walking together, conversing with great freedom and familiarity upon the subject of heaven and earth. The countryman listened with attention and acquiescence while Jupiter strove only to convince him; but happening to hint a doubt, Jupiter turned hastily round and threatened him with his thunder.—“ Ah! ha!” says the countryman, “ now Jupiter I know that you are wrong; you're always wrong when you appeal to your thunder.”

This is the case with me; I can reason with the people of England, but I cannot fight against the thunder of authority.

Gentlemen, this is my defence for free opinions: With regard to myself, I am, and ever have been, obedient and affectionate to *the law*: to that rule of action, as long as I exist, I shall ever give my voice and my conduct; but I shall ever do as I have done to day, maintain the dignity of my high profession, and perform as I understand them, all its important duties.



## MR. ERSKINE'S SPEECH,

ON THE TRIAL OF THOMAS WILLIAMS, FOR THE PUBLICATION  
OF PAINE'S "AGE OF REASON," BEFORE LORD KENYON, AND  
A SPECIAL JURY, JULY 24TH, 1797.

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IT was at the late dark and portentous period, when religion, morals, and social order were endangered, not less by the insidious approaches, than the open and avowed assaults of the *malignant genius of jacobinism*, that the Society for the discouragement of *vice*, and the promotion of *virtue*, was established in England.

This laudable institution consisting of the wise, the discreet, and the loyal; seeing, how the land was overrun with profligacy and wickedness that had boldly raised their crests, and erected their standards in defiance of every law, human, and divine, resolved to try whether this torrent of vice and immorality might not be restrained by vigilance in the detection, and intrepidity in bringing the offenders to "*condign punishment*."

In pursuance of this salutary system, the society directed a prosecution against one Thomas Williams, a bookseller, of infamous character, for the publication of that low, obscene, and blasphemous production, the "Age of Reason," which, at the time, with its kindred companion, "The Rights of Man," was industriously circulated, and read, by every

hater of his king, and reviler of his God throughout the country.

This speech presents Mr. Erskine in a very favourable point of view. We have too often seen him prostrating his admirable talents to the defence of faction, *sedition*, and *licentiousness*; we now behold him the champion of *christianity*, and with all the powers of a deep judgment, a refined imagination, and an irresistible eloquence *successfully* stemming the career of error, impiety and scepticism.

The jury, instantly, found a verdict of *Guilty*.

## SPEECH, &c.

GENTLEMEN OF THE JURY,

THE charge of blasphemy, which is put upon the record against the printer of this publication, is not an accusation of the servants of the crown, but comes before you sanctioned by the oaths of a grand jury of the country. It stood for trial upon a former day; but it happening, as it frequently does, without any imputation to the gentlemen named in the pannel, that a sufficient number did not appear to constitute a full special jury, I thought it my duty to withdraw the cause from trial, till I could have the opportunity which is now open to me of addressing myself to you, who were originally appointed to try it. I pursued this course, however, from no jealousy of the common juries, appointed by the laws for the ordinary service of the court, since my whole life has been one continued experience of their virtues; but because I thought it of great importance, that those, who were to decide upon a cause so very momentous to the publick, should have the highest possible qualifications for the decision. That they should not only be men capable, from their education, of forming an enlightened judgment, but that their situations should be such as to bring them within the full view of their enlightened country, to which, in character and in estimation, they were in their own turns to be responsible.



Not having the honour, gentlemen, to be sworn for the king, as one of his counsel, it has fallen much oftener to my lot to defend indictments for libels, than to assist in the prosecution of them. But I feel no embarrassment from that recollection ; since I shall not be found to day to express a sentiment, or to utter an expression, inconsistent with those invaluable principles for which I have uniformly contended in the defence of others. Nothing that I have ever said, either professionally or personally, for the liberty of the press, do I mean to deny, to contradict, or counteract. On the contrary, I desire to preface the discourse I have to make to you, with reminding you, that it is your most solemn duty to take care it suffers no injury in your hands. A free and unlicensed press, *in the just and legal sense of the expression*, has led to all the blessings, both of religion and government, which Great Britain, or any part of the world, at this moment enjoys, and is calculated still further to advance mankind to higher degrees of civilization and happiness. But this freedom, like every other, must be limited to be enjoyed, and, like every human advantage, may be defeated by its abuse.

Gentlemen, the defendant stands indicted for having published this book, which I have only read from the obligations of professional duty, and which I rose from the reading of, with astonishment and disgust. Standing here, with all the privileges belonging to the highest counsel for the crown, I shall be entitled to reply to any defence that shall be made for the publication. I shall wait with patience till I hear it. Indeed, if I were to anticipate the defence which I hear and read of, it would be defaming, by anticipation, the learned counsel who is to make it. For, if I am to collect it, even from a formal notice given to the prosecutors in the course of the proceedings, I have to expect, that, instead of a defence conducted according to the rules and principles of English law and justice, the foundation of all our laws, and the sanctions of all our justice, are to be struck at and insulted. What is the force of that jurisdiction which enables the

court to sit in judgment? What but the oath which his lordship as well as yourselves, have sworn upon the Gospel to fulfil. Yet in the king's court, where his majesty is himself also sworn to administer the justice of England, in the king's court, who receives his high authority under a solemn oath to maintain the *christian religion*, as it is promulgated by God in the Holy Scriptures, I am nevertheless called upon, as counsel for the prosecution, to produce a certain book described in the indictment to be the Holy Bible. No man deserves to be upon the rolls of the court, who dares, as an attorney, to put his name to such a notice. It is an insult to the authority and dignity of the court of which he is an officer; since it seems to call in question the very foundations of its jurisdiction. If this is to be the spirit and temper of the defence; if, as I collect from that array of books which are spread upon the benches behind me, this publication is to be vindicated by an attack of all the truths which the christian religion promulgates to mankind, let it be remembered, that such an argument was neither suggested nor justified by any thing said by me on the part of the prosecution. *In this stage of the proceedings*, I shall call for reverence to the sacred scriptures, not from their merits, unbounded as they are, but from their authority in a christian country; not from the obligations of conscience, but from the rules of law. For my own part, gentlemen, I have been ever deeply devoted to the truths of christianity, and my firm belief in the Holy Gospel is by no means owing to the prejudices of education, though I was religiously educated by the best of parents, but arises from the fullest and most continued reflections of my riper years and understanding. It forms at this moment, the great consolation of a life, which, as a shadow, must pass away; and, without it, indeed, I should consider my long course of health and prosperity, perhaps too long and uninterrupted to be good for any man, only as the dust which the wind scatters, and rather as a snare than as a blessing. Much, however, as I



wish to support the authority of the scriptures, from a reasoned consideration of them, I shall repress that subject for the present. But, if the defence shall be as I have suspected, to bring them at all into argument or question, I shall then fulfil a duty which I owe not only to the court, as counsel for the prosecution, but to the publick, to state what I feel and know concerning the evidences of that religion which is reviled without being examined, and denied without being understood.

I am well aware that by the communications of a free press, all the errours of mankind, from age to age, have been dissipated and dispelled, and I recollect that the world, under the banners of *reformed* christianity, has struggled through persecution to the noble eminence on which it stands at this moment, shedding the blessings of humanity and science upon the nations of the earth. It may be asked, by what means the reformation would have been effected, if the books of the reformers had been suppressed, and the errours of condemned and exploded superstitions had been supported as unquestionable by the state, founded upon those very superstitions formerly, as it is at present upon the doctrines of the established church? or how, upon such principles, any reformation, civil or religious, can in future be effected? The solution is easy. Let us examine what are the genuine principles of the liberty of the press, as they regard writings upon general subjects, unconnected with the personal reputations of private men, which are wholly foreign to the present inquiry. They are full of simplicity, and are brought as near perfection, by the law of England, as perhaps is consistent with any of the frail institutions of mankind.

Although every community must establish supreme authorities, founded upon fixed principles, and must give high powers to magistrates to administer laws for the preservation of the government itself, and for the security of those who are to be protected by it; yet, as infallibility and perfection belong neither to human establishments, nor to human individuals, it

ought to be the policy of all free establishments, as it is most peculiarly the principle of our own constitution, to permit the most unbounded freedom of discussion, even by detecting errors in the constitution or administration of the very government itself, so as that decorum is observed, which every state must exact from its subjects, and which imposes no restraint upon any intellectual composition, fairly, honestly, and decently, addressed to the consciences and understandings of men. Upon this principle, I have an unquestionable right, a right which the best subjects have exercised, to examine the principles and structure of the constitution, and by fair, manly reasoning, to question the practice of its administrators. I have a right to consider and to point out errors in the one or in the other; and not merely to reason upon their existence, but to consider the means of their reformation. By such free, well intentioned, modest, and dignified communication of sentiments and opinions, all nations have been gradually improved, and milder laws and purer religions have been established. The same principles, which vindicate civil contentions honestly directed, extend their protection to the sharpest controversies on religious faiths. This rational and legal course of improvement was recognised and ratified by lord Kenyon as the law of England, in a late trial at Guildhall, when he looked back with gratitude to the labours of the reformers, as the fountains of our religious emancipation, and of the civil blessings that followed in their train. The English constitution, indeed, does not stop short in the toleration of religious *opinions*, but liberally extends it to *practice*. It permits every man, even publicly, to worship God according to his own conscience, though in marked dissent from the national establishment, so as he professes *the general faith*, which is the sanction of all our moral duties, and the only pledge of our submission to the system which constitutes a state. Is not this system of freedom of controversy, and freedom of worship, sufficient for all the purposes of human happiness and



improvement? and will it be necessary for either, that the law should hold out indemnity to those who wholly abjure and revile the government of their country, or the religion on which it rests for its foundation?

I expect to hear, in answer to what I am now saying, much that will offend me. My learned friend, from the difficulties of his situation, which I know, from experience, how to feel for very sincerely, may be driven to advance propositions which it may be my duty, with much freedom to reply to; and the law will sanction that freedom. But will not the ends of justice be completely answered by that right, to point out the errors of his discourse in terms that are decent and calculated to expose its defects; or will any argument suffer, or will publick justice be impeded, because neither private honour and justice, nor publick decorum, would endure my telling my very learned friend, that he was a fool, a liar, and a scoundrel, in the face of the court, because I differed from him in argument or opinion. This is just the distinction between a book of free legal controversy, and the book which I am arraigning before you. Every man has a legal right to investigate, *with modesty and decency*, controversial points of the christian religion; but, no man, consistently with a law, which only exists under its sanctions, has a right not only broadly to deny its very existence, but to pour forth a shocking and insulting invective, which the lowest establishments, in the gradations of civil authority, ought not to be permitted to suffer, and which soon would be born down by insolence and disobedience, if they did.

The same principle pervades the whole system of the law, not merely in its abstract theory, but in its daily and most applauded practice. The intercourse between the sexes, and which, properly regulated, not only continues, but humanizes and adorns our natures, is the foundation of all the thousand romances, plays and novels, which are in the hands of every body. Some of them lead to the confirmation

of every virtuous principle; others, though with the same profession, address the imagination in a manner to lead the passions into dangerous excesses. But, though the law does not nicely discriminate the various shades which distinguish these works from one another, so as that it suffers many to pass, through its liberal spirit, that upon principle might be suppressed, would it or does it tolerate, or does any decent man contend that it ought to pass by unpunished, libels of the most shameless obscenity, manifestly pointed to debauch innocence, and to blast and poison the morals of the rising generation? This is only another illustration to demonstrate the obvious distinction between the works of an author, who fairly exercises the powers of his mind, in investigating doctrinal points in the religion of any country, and him who attacks the rational existence of every religion, and brands with absurdity and folly the state which sanctions, and the obedient tools who cherish, the delusion. But this publication appears to me to be as mischievous and cruel in its probable effects, as it is manifestly illegal in its principles; because it strikes at the best, sometimes, alas! the only refuge, and consolation amidst the distresses and afflictions of the world. The poor and humble, whom it affects to pity, may be stabbed to the heart by it. They have more occasion for firm hopes beyond the grave, than those who have greater comforts to render life delightful. I can conceive a distressed, but virtuous, man, surrounded by children, looking up to him for bread when he has none to give them, sinking under the last day's labour, and unequal to the next, yet still looking up with confidence to the hour when all tears shall be wiped from the eyes of affliction, bearing the burden laid upon him by a mysterious Providence which he adores, and looking forward with exultation to the *revealed* promises of his Creator, when he shall be greater than the greatest, and happier than the happiest of mankind. What a change in such a mind might be wrought by such a merciless publication? Gentlemen, whether these remarks are the



overcharged declamations of an accusing counsel, or the just reflections of a man anxious for the publick freedom, which is best secured by the morals of a nation, will be best settled by an appeal to the passages in the work, that are selected by the indictment for your consideration and judgment. You are at liberty to connect them with every context and sequel, and to bestow upon them the mildest interpretation.\*

Gentlemen, it would be useless and disgusting to enumerate the other passages within the scope of the indictment. How any man can rationally vindicate the publication of such a book, in a country where the christian religion is the very foundation of the law of the land, I am totally at a loss to conceive, and have no wish to discuss. How is a tribunal, whose whole jurisdiction is founded upon the solemn belief and practice of what is denied as falsehood, and reprobated as impiety, to deal with such an anomalous defence? Upon what principle is it even offered to the court, whose authority is contemned and mocked at? If the religion, proposed to be called in question, is not previously adopted in belief, and solemnly acted upon, what authority has the court to pass any judgment at all of acquittal or condemnation? Why am I now, or upon any other occasion, to submit to your lordship's authority? Why am I now, or at any time, to address twelve of my equals, as I am now addressing you, with reverence and submission? Under what sanction are the witnesses to give their evidence, without which there can be no trial? Under what obligations can I call upon you, the jury, representing your country, to administer justice? Surely upon no other than that you are sworn to administer it under the oaths you have taken. The whole judicial fabrick, from the king's sovereign authority to the lowest office of magistracy, has no other foundation. The whole is built, both in form and substance, upon the same oath of every one of its ministers, to do justice, "*as God*

\* Here Mr. Erskine read and commented upon several of the selected passages.

*shall help them hereafter."* What God? and what hereafter? That God, undoubtedly, who has commanded kings to rule, and judges to decree with justice; who has said to witnesses, not by the voice of nature, but in revealed commandments, "*thou shalt not bear false testimony against thy neighbour;*" and who has enforced obedience to them by the revelation of the unutterable blessings which shall attend their observances, and the awful punishments which shall await upon their transgressions.

But it seems this course of reason, and the time and the person are at last arrived, that are to dissipate the errors which have overspread the past generations of ignorance! The believers in Christianity are many, but it belongs to the few that are wise to correct their credulity! Belief is an act of reason; and superiour reason may therefore dictate to the weak. In running the mind along the numerous list of sincere and devout christians, I cannot help lamenting that Newton had not lived to this day, to have had his shallowness filled up with this new flood of light. But the subject is too awful for irony. I will speak plainly and directly. Newton was a Christian! Newton, whose mind burst forth from the fetters cast by nature upon our finite conceptions: Newton, whose science was truth, and the foundation of whose knowledge of it was philosophy. Not those visionary and arrogant assumptions which too often usurp its name, but philosophy resting upon the basis of mathematicks, which, like figures cannot lie. Newton, who carried the line and rule to the utmost barriers of creation, and explored the principles by which, no doubt, all created matter is held together and exists. But this extraordinary man in the mighty reach of his mind, overlooked, perhaps, the errors which a minuter investigation of the created things on this earth might have taught him, of the essence of his Creator. What shall then be said of the great Mr. Boyle, who looked into the organick structure of all matter, even to the brute inanimate substances which the foot treads on. Such a man may be supposed to have been equally



qualified with Mr. Paine, to "look through nature, up to nature's God." Yet the result of all his contemplation was the most confirmed and devout belief in all which the other holds in contempt as despicable and drivelling superstition. But this error, might, perhaps, arise from a want of due attention to the foundations of human judgment, and the structure of that understanding which God has given us for the investigation of truth. Let that question be answered by Mr. Locke, who was to the highest pitch of devotion and adoration a Christian. Mr. Locke, whose office was to detect the errors of thinking, by going up to the fountains of thought, and to direct into the proper track of reasoning the devious mind of man, by showing him its whole process, from the first perceptions of sense, to the last conclusions of ratiocination; putting a rein besides upon false opinion, by practical rules for the conduct of human judgment.

But these men were only deep thinkers, and lived in their closets, unaccustomed to the traffick of the world, and to the laws which practically regulate mankind. Gentlemen, in the place where you now sit to administer the justice of this great country, above a century ago the never to be forgotten sir Matthew Hale presided, whose faith in christianity is an exalted commentary upon its truth and reason, and whose life was a glorious example of its fruits in man; administering human justice with a wisdom and purity drawn from the pure fountain of the christian dispensation, which has been, and will be, in all ages, a subject of the highest reverence and admiration. But it is said by Mr. Paine, that the christian fable is but the tale of the more ancient superstitions of the world, and may be easily detected by a proper understanding of the mythologies of the heathens. Did Milton understand those mythologies? Was *he* less versed than Mr. Paine in the superstitions of the world? No: they were the subject of his immortal song; and though shut out from all recurrence to them, he poured them forth from the stores of a memory rich with all that man ever knew, and laid them in their

order as the illustration of that real and exalted faith, the unquestionable source of that fervid genius, which cast a sort of shade upon all the other works of man——

He pass'd the bounds of flaming space,  
Where angels tremble while they gaze ;  
He saw, till, blasted with excess of light,  
He clos'd his eyes in endless night !

But it was the light of the *body* only that was extinguished ; “ the celestial light shone inward,” and enabled him to “ justify the ways of God to man.” The result of his thinking was nevertheless not the same as Mr. Paine's. The *mysterious* incarnation of our Blessed Saviour, which the “ Age of Reason” blasphemes in words so wholly unfit for the mouth of a Christian, or for the ear of a court of justice, that I dare not and will not give them utterance, Milton made the grand conclusion of *Paradise Lost*, the rest of his finished labours, and the ultimate hope, expectation, and glory of the world :

*A Virgin is his mother ; but his sire*  
The power of the most high : he shall ascend  
The throne hereditary, and bound his reign  
With earth's wide bounds, his glory with the heavens.

The immortal poet having thus put into the mouth of the angel the prophecy of man's redemption, follows it with that solemn and beautiful admonition, addressed in the poem to our great First Parent, but intended as an address to his posterity through all generation :

This having learned, thou hast attained the sum  
Of wisdom : hope no higher, though all the stars  
Thou knew'st by name, and all th' ethereal powers,  
All secrets of the deep, all Nature's works,  
Or works of God in heaven, air, earth, or sea,  
And all the riches of this world enjoy'st.  
And all the rule one empire ; only add  
Deeds to thy knowledge answerable, add faith,  
Add virtue, patience, temperance, add love,  
By name to come call'd Charity, the soul  
Of all the rest : then wilt thou not be loth  
To leave this Paradise, but shalt possess  
A paradise within thee happier far.



Thus you find all that is great, or wise, or splendid, or illustrious, amongst created beings, all the minds gifted beyond ordinary nature, if not inspired by their Universal Author for the advancement and dignity of the world, though divided by distant ages, and by the clashing opinions distinguishing them from one another, yet joining, as it were, in one sublime chorus to celebrate the truths of christianity, and laying upon its holy altars the never fading offerings of their immortal wisdom.

Against all this concurring testimony, we find suddenly, from Mr. Paine, that the Bible teaches nothing but "lies, obscenity, cruelty, and injustice." Did the author or publisher ever read the sermon of *Christ upon the mount*, in which the great principles of our faith and duty are summed up? Let us all but read and practise it, and lies, obscenity, cruelty, and injustice, and all human wickedness, would be banished from the world.

Gentlemen, there is but one consideration more, which I cannot possibly omit, because I confess it affects me very deeply. Mr. Paine has written largely on publick liberty and government; and this last performance has, on that account, been more widely circulated, and principally among those who attached themselves from principle to his former works. This circumstance renders a publick attack upon *all revealed religion*, from such a writer, infinitely more dangerous. The religious and moral sense of the people of Great Britain, is the great anchor which alone can hold the vessel of the state amidst the storms which agitate the world; and if I could believe, for a moment that the mass of the people were to be debauched from the principles of religion, which form the true basis of that humanity, charity, and benevolence, that has been so long the national characteristick, instead of mixing myself, as I sometimes have done, in political reformatations, I would rather retire to the uttermost corners of the earth to avoid their agitation; and would bear not only the imperfections and abuses complained of in our own

wise establishment, but even the worst government that ever existed in the world, rather than go to the work of reformation with a multitude set free from all the charities of christianity, who had no sense of God's existence but from Mr. Paine's observation of nature, which the mass of mankind have no leisure to contemplate; nor any belief of future rewards and punishments to animate the good in the glorious pursuit of human happiness, nor to deter the wicked from destroying it even in its birth. But I know the people of England better. They are a religious people; and, with the blessing of God, as far as it is in my power, I will lend my aid to keep them so. I have no objections to the freest and most extended discussions upon doctrinal points of the christian religion; and, *though the law of England does not permit it*, I do not dread the reasoned arguments of Deists against the existence of christianity itself, because, as was said by its divine author, if it is of God, it will stand. An intellectual book, however erroneous, addressed to the intellectual world upon so profound and complicated a subject, can never work the mischief which this indictment is calculated to repress. Such works will only employ the minds of men enlightened by study to a deeper investigation of a subject well worthy of their profound and continued contemplation. The powers of the mind are given for human improvement in the progress of human existence. The changes produced by such reciprocations of lights and intelligences are certain in their progressions, and make their way imperceptibly, as conviction comes upon the world, by the final and irresistible power of truth. If christianity be founded in falsehood, let us become deists in this manner, and I am contented. But this book hath no such object and no such capacity; it presents no arguments to the wise and enlightened. On the contrary, it treats the faith and opinions of the wisest with the most shocking contempt, and stirs up men without the advantages of learning or sober thinking to a total disbelief of every thing hitherto held sacred,



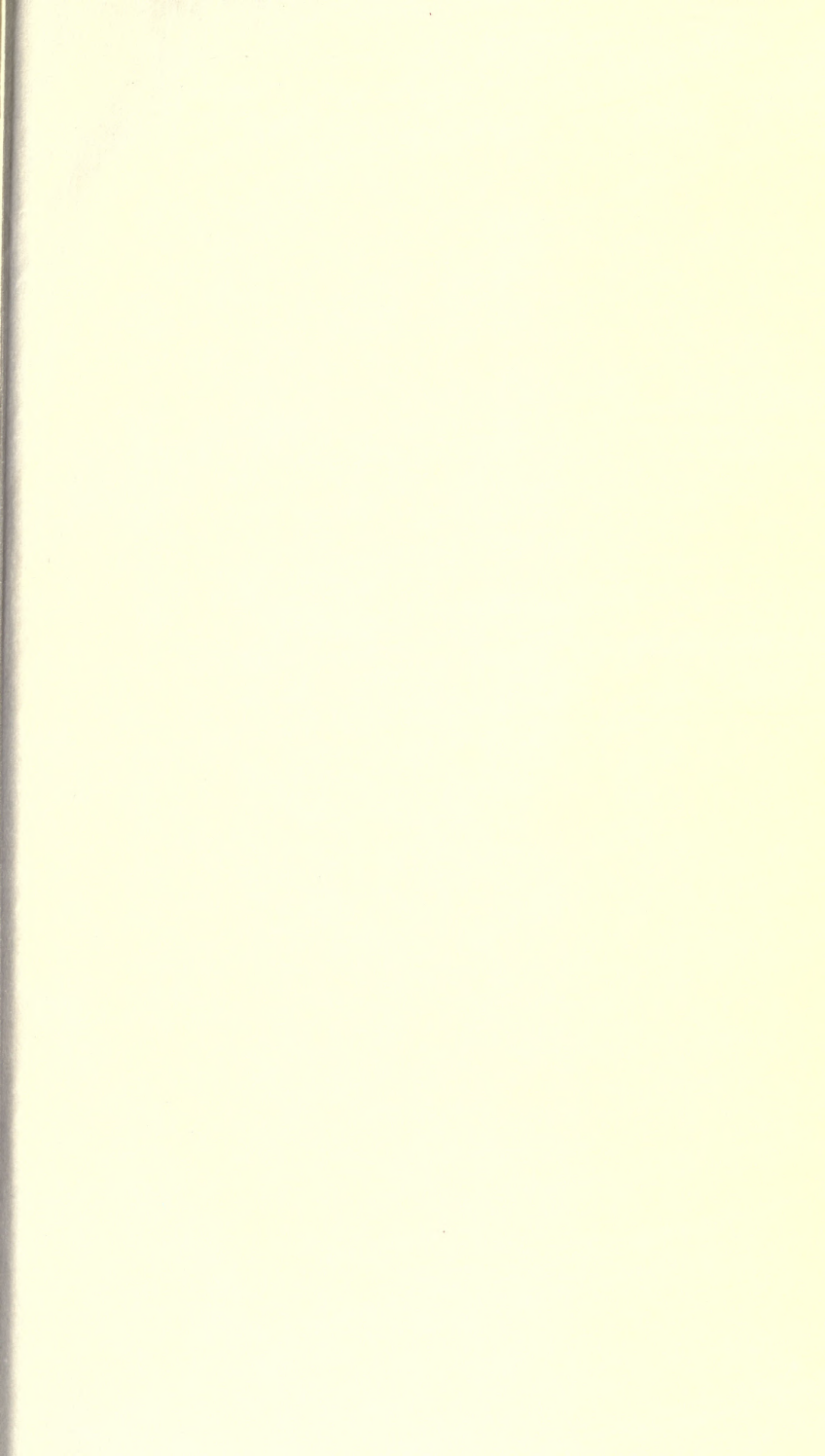
and, consequently, to a rejection of all the laws and ordinances of the state, which stand only upon the assumption of their truth.

Gentlemen, I cannot conclude without expressing the deepest regret at all attacks upon the christian religion by authors who profess to promote the civil liberties of the world. For, under what other auspices than christianity have the lost and subverted liberties of mankind in former ages been re-asserted? By what zeal, but the warm zeal of devout Christians, have English liberties been redeemed and consecrated? Under what other sanctions, even in our own days, have liberty and happiness been extending and spreading to the uttermost corners of the earth? What work of civilization, what commonwealth of greatness has the bald religion of nature ever established? We see, on the contrary, the nations that have no other light than that of nature to direct them, sunk in barbarism or slaves to arbitrary governments; whilst, since the christian era, the great career of the world has been slowly, but clearly, advancing lighter at every step, from the awful prophecies of the gospel, and leading, I trust, in the end, to universal and eternal happiness. Each generation of mankind can see but a few revolving links of this mighty and mysterious chain; but, by doing our several duties in our allotted stations, we are sure that we are fulfilling the purposes of our existence. You, I trust, will fulfil yours this day!

and consequently in a rejection of all the laws and ordinances of the state, which stand only upon the assumption of their truth.

Consequently, I cannot conclude without expressing the deepest respect and attachment upon the Christian religion by authors who profess to promote the civil liberties of the world. For, under what other auspices than Christianity have the best and subverted liberties of mankind in former ages been asserted? By what zeal, but the warm zeal of devout Christians, have English liberties been defended and consecrated? Under what other sanction, even in our own day, have liberty and happiness been extending and spreading to the uttermost corners of the earth? What work of civilization, what commonwealth of goodness has the holy religion of nature ever established? We see, on the contrary, the nations that have no other light than that of nature to direct them, sunk in barbarism of slaves to arbitrary governments, whilst since the Christian era, the great corner of the world has been slowly, but steadily, advancing light, as every step from the civil principles of the gospel and leading, I trust, in the end to universal and eternal happiness. A new generation of mankind may see but a new reviving link of the treaty and various chain, but by doing and several others in our allied stations, we are sure that we are fulfilling the purposes of our existence. You, I trust, will tell your this day.

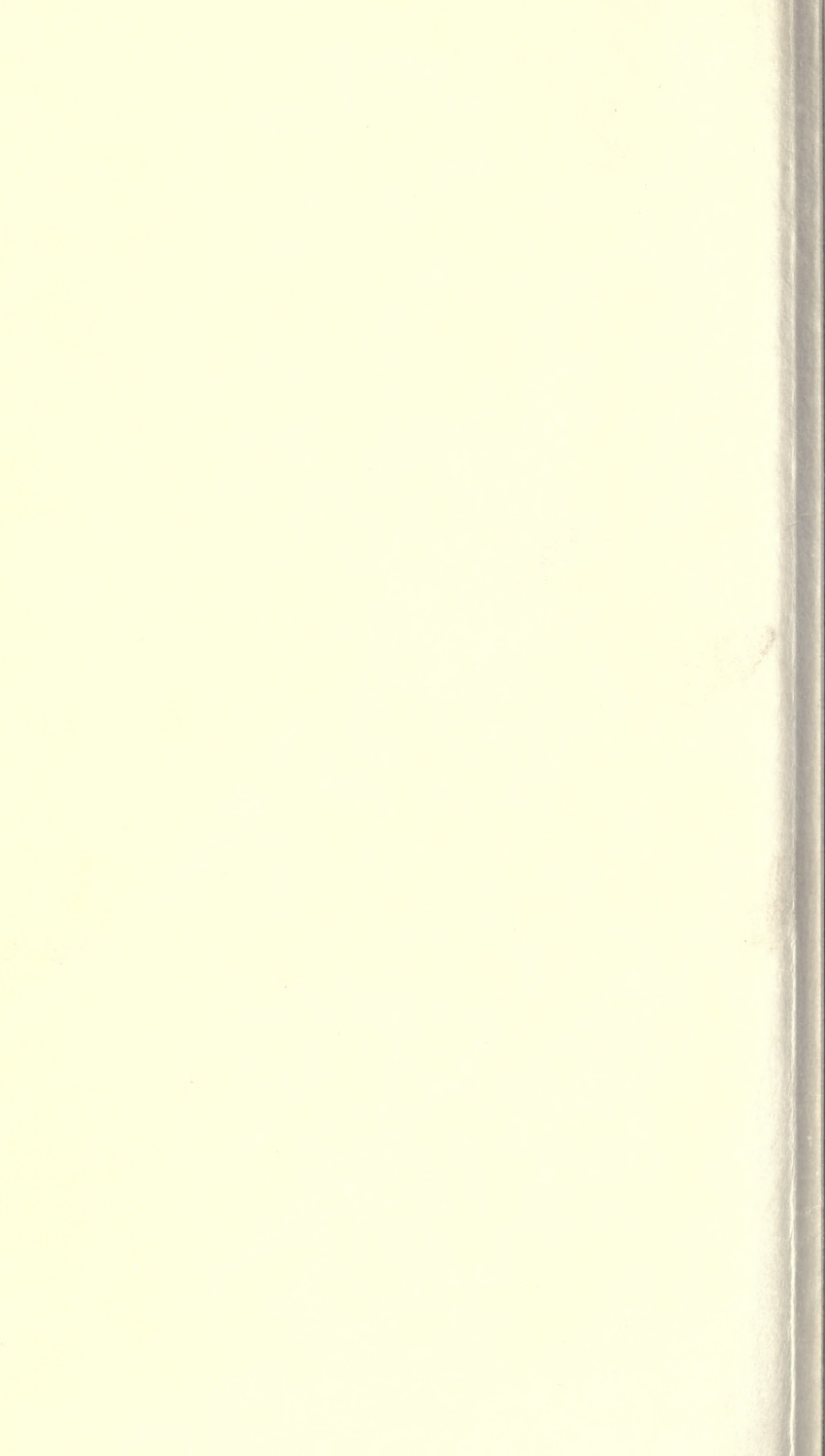














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